Women in nineteenth-century Egypt

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Illustrations

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Introduction

She who trusts men, trusts a sieve to hold water.

　　　　　Egyptian proverb (Aḥmad Taymūr, *al-Amthāl al-ʿāmmīyah*, 3095, p. 514)

I

The history of women in Egypt and the Middle East as a whole has been little studied. In part, such neglect reflects the general state of Middle East historiography: focus on visible political institutions, diplomatic events, and intellectual currents of the high, as opposed to popular, culture long confined the field of inquiry to upper class males at the expense of studying the role those of another class or gender played in the historical process. But even now, as a new generation of historians in the Middle East and West direct their attention to the social and economic history of the region and begin to write the history of social classes – peasants, urban craftsmen, casual laborers – whose history and culture remained obscure or irrelevant to the orientalist scholar, women are usually nowhere to be found, or receive only cursory mention.

　　Part of the problem surely springs from basic misconceptions about women's history and its relation to social and economic history as a whole, East or West. Women have always been numerically important in human populations, a sufficiently compelling reason perhaps to explore their past, but the full significance of the study of women lies elsewhere. The history of women demands an immediate awareness of a multitude of forces, institutions, and activities which elude analysis at the level of official political institutions, mainstream intellectual movements, or economic overviews; rather, the world of informal networks, popular culture, and the basic forces of production and reproduction define the arena of women's activities and therefore women's studies. The social and economic life of men, as well as women, of the peasantry and urban lower classes, who constituted the vast majority of the precapitalist and, at least in the Third World, capitalist population, was shaped by those activities and institutions in which women played a major and distinct role: without understanding the forms and dimensions of women's activities, we cannot grasp the contours of society as a whole.

　　Deeply rooted western attitudes further complicate the approach to Third World women's history. The nineteenth century equation of the West with progress and modernity, and the East with stagnation and tradition, still colors much of the discussion of women in Third World societies. While the most

1 "Dancing Girl," late nineteenth century

extreme versions propounded by our Victorian forebears – the enslaved woman as quintessential victim of the barbarous society of the conquered – no longer find broad acceptance, we still encounter the notion that "progress" for women was imported from the West and basically entailed a denial of indigenous tradition. Women's history, in the sense of linear progression, thus began with the penetration of western ideas which gradually permeated and transformed the receiving society; women's history in the Third World becomes the history of an intellectual elite acquainted with western thought who initiated the debate on women's role in society, a debate which eventually filtered down and took concrete legal and political form. Idealist and derivative, this line of analysis takes one small part of women's history for the whole, limits historical inquiry to the intellectual realm, and neglects indigenous economic and social structures and their development over time.

Women's history in the Middle East, while laboring under the burden of neglect of women's history in general as well as the special misconceptions surrounding Third World history, also exhibits a particular set of problems traceable to its orientalist connection. The orientalist heritage, described in some detail by Edward Said, bequeathed a specificially "Islamic" definition of history and culture, promoting an idealist epistemology in which much of Middle East history was perceived as the embodiment of the Islamic spirit, rather than the outcome of the complex interaction of material forces and ideological formations.[1] Faced with a dearth of information on the historical reality of women in the region, many writers simply revert to "Islam" for both description and cause of women's position.[2] "Islamic" customs, concepts, and sexual mores both dictate and define women's role in society. The argument is tautological and remarkably free of any process of verification: Muslim laws and customs reflect women's reality, that is, we can know how women lived and worked from a study of the rules, formal and informal, applicable to them; these same rules, however, also function as the main instrument of women's oppression, for they assign women an inferior position in society and limit their activities. The image of Islam as dictator of social life is further based on a set of assumptions that have not been subjected to historical or sociological investigation. As evidence of the diversity and complexity of women's roles in societies where Islam is the dominant religion multiplies, we make such assumptions only at the risk of confounding the normative and the real.

The focus on a monolithic Islam also suggests that women lived in a timeless privatized world untouched by historical change. The history of women in nineteenth century Egypt refutes this static version of the past, for women were affected by and, through their own actions, helped to shape the sweeping changes of the period. Between 1800 and 1914, the fundamental development which reverberated throughout society was the integration of Egypt into a European economic system and and the political subjugation which followed.

Although most of the Third World also succumbed to European imperial expansion, we will be concerned with the specificity of the Egyptian case. Everywhere colonialism meant a certain distortion of the economic base of the country as it was subordinated to an imperial center, a subordination which brought social and political transformation in its train. We must be fully conscious, however, of important differences among regions arising from at least four variable aspects of this process of integration.

First, the type and speed of economic integration influenced the extent of social change. In Egypt, economic change began early and proceeded rapidly: in the first half of the nineteenth century, as European penetration accelerated, large-scale plantation agriculture geared toward production for export came to dominate the countryside in place of a semi-subsistence family-based system, and imported manufactures replaced many of the locally produced crafts. Integration, while always somewhat uneven, was thorough and rapid: we can expect that it transformed the economy as a whole and touched the lives of all inhabitants.

Secondly, European penetration did not obliterate all pre-existing activities and institutions. The characteristics of indigenous society, the structures of production, reproduction, and ideology that predated the arrival of western economic interests, determined, in part, the outcome of the interaction of the West and local society. The particularities of early nineteenth century Egypt – its broad social formation – helped shape the course of western encroachment. Whether we label the dominant mode of production "oriental," "tributary," or "feudal," Egypt enjoyed, among other features, widespread activity in commodity production and a relatively centralized and powerful state formation, both of which influenced nineteenth century developments. While the ongoing process of class formation in the cauldron of capitalist growth owed much to the rhythm of the West, the economic, political, and social facts on the ground also played a real role. As we trace the impact of western penetration on women, we must be equally sensitive to the activities of, and attitudes toward, females in the period before Egypt felt the full impact of the West, as well as the ways in which these activities and attitudes interacted with the new demands of development.

Thirdly, imperialist penetration and colonial rule did not follow a single pattern. The strategies employed and institutions developed by the imperial power varied from one region to the next, and one epoch to another. The history of Egypt, especially in the second half of the nineteenth century, intersects with the historical development of British colonial strategies and policy. After 1882, British officials, as advisors to the Egyptian government, actually ruled the country: their decisions about the state budget – how much money to spend, for example, on irrigation systems or education – influenced the overall structure and growth of the State as well as the level and types of services it provided to the population. The history of the Egyptian state formation became, during the

1882 to 1914 period, largely the history of a colonial rule which sought to further the interests of the imperial country. While the individual aims or even personalities of colonial agents were not determinant in this process, the more general pattern of colonial strategy – reliance on the large landholding class, promotion of agriculture at the expense of other sectors, belief in the racial superiority of the West – permeated the views of those who ruled and had, through their concrete actions, a significant effect on Egyptian society. We need to look closely at colonial policy, especially at its impact on a basic economic and social level, in order to understand what the colonial experience held for women.

Lastly, the process of integration was influenced by Egyptians themselves, not only those of elite political circles but also by the men and women of the peasant and lower classes. The vision of popular or mass history as, first and foremost, the history of the oppressed, of the victims of the historical process, contains an element of truth yet neglects the very real role that people had in shaping that process. Women in particular, because of their sex, were subject to discrimination and constraints; at the same time, their ability to construct their own institutions or even take their struggle for certain rights to the streets contributed to the making of their history. The Egyptian population, male and female alike, did not witness nineteenth century transformations with passivity or docility: many women, for example, fought to protect the customs and forms of family relations that seemed to serve their interests. On the grand scale of mass revolt and the small stage of individual court battles, people resisted or accommodated change in ways which helped define the emerging society. The role of women in the construction of the modern history of Egypt forms a final and critical aspect of women's history of the period.

Not all women experienced these changes in the same fashion. The women of Egypt belonged to different classes and lived in diverse geographical settings; for a peasant of the Delta, a petty trader in Cairo, and a member of the palace *ḥarīm*, the bonds of womanhood undoubtedly paled before the vast separations, in experience and interest, created by class and environment. The following study concentrates on peasant and urban lower class women. Women of the provincial and urban elite appear only in passing when their experience helps to clarify the evolution of women's roles. Their world, the world of the Palace, the merchant elite, and the religious establishment, merits a separate study which would explore the lives of those associated with the wealthy and powerful.

II

How can we order and define the position of women in a discrete but rapidly changing period of Egyptian history? The book explores four interlocking dimensions of women's position and power in order to evaluate change in

women's roles within the family and larger society: (1) women's access to property; (2) their position in the family unit; (3) their participation in social production; and (4) the prevailing ideological definitions of their roles. Each of these dimensions must be discussed against the backdrop of broad economic and social changes arising, in part, from the ongoing integration of Egypt into an economic system dominated by the West.

The first, women's access to property, that is, their rights to the use or control of certain portions of family or individually owned property, has been accorded a central place in the literature on women's position since the appearance of Engels' classic *The Origin of the Family, Private Property and the State*. The subjection of women to the control of male family members was linked to the emergence of private productive property (in land or animals) and the consequent male monopoly over the use and disposition of this property.[3] Although the relatively weaker claims of women to family property in most societies have been consistently noted, Engels' focus on private property has been revised on both theoretical and empirical grounds. The tracing of the oppression of women to private property in general without attention to the different meanings of property in different modes of production must be recognized as a major theoretical weakness. Some research suggests, furthermore, that access to property, while important, does not necessarily lead to the exercise of real power in the sphere of family relation.[4] In the case of Egyptian women, two questions about access to property will be raised. First, the formal rights, as embodied in legal rules and accepted customs, of women to property acquired through inheritance, the *mahr* (bridal gift), or their own labors, will be examined; male monopoly of family property cannot be presumed. Secondly, the ability of women to use these rights to attain economic independence and status, the degree to which formal rights held real meaning in the realm of economic relations, cannot simply be deduced but must be explored in the context of the actual participation of women in business affairs and productive activities, and their personal control over the fruits of their labor.

In chapter 1, women's relation to property will be explored in the context of the female role in agricultural production: to what extent did peasant women make critical contributions of agricultural labor and how did these activities affect their access to property and power? How did the major changes in the level and organization of agricultural production, most significantly the transition to an agriculture dominated by capitalist relations, influence their participation and therefore their hold on property? Chapter 2 poses similar questions about Egyptian women in trade, crafts, industry, and service occupations. Here we look to urban women and again consider the correspondence between their activities in the basic forms of production and their formal and actual rights to property.

Control of property, while related to the level of contribution to production,

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was often mediated through family arrangements, the second dimension. Access to property might strengthen a woman's position within the family power structure; on the other hand, family control of her person might negate any meaningful exercise of her property rights. At issue here is an understanding of the family as the product, primarily, of requirements of material production, or, alternately, as an institution which both reflects and structures material production and social life. Wolf, for example, has tended to relate the development of the peasant family to particular features of agricultural production: the availability of land, the intensity of cultivation, and the prevalence of wage labor all affected the division of labor and, thus, the numbers, roles, and power of various family members.[5] Others, however, stress that the contours of the family unit are shaped not only by its function of material production, but also by the wider functions of reproduction of the conditions of existence, including the care of children, the elderly or the infirm; the family, based on ties of kinship, redistributes the necessities of life to family producers and non-producers alike, binding them together in the basic economic unit of society. Women's position within the family is thus conditioned by the need for reproduction, in the broad sense, and the assignment of particular roles, especially the nurture of children, to women.[6] Just as family arrangements flow from the dual demands of production and reproduction, so does women's access to property depend on their role in these two, often intertwined, activities.

In chapters 1 and 2, the peasant and urban lower class family will be studied in its reciprocal relationship with society. The demands of production in rural and urban areas, the need to avoid parcelization of land through inheritance or the necessity of releasing the labor of some family members to satisfy demands from outside the family unit, for example, affected the size of, and division of labor and power within, the family. At the same time, however, the demands of reproduction, the tasks of childrearing and the provision of a multitude of necessary services entailed the allotment of roles based, often, on the sex and age of family members. Insofar as women's role in reproduction was generated and defined within the family unit, the family, as a basic social structure, also conditioned the processes of production and social relations in society at large. To understand women's position, we therefore need to study the Egyptian family not only as a unit of production, but also as a unit of reproduction in which constraints on women's rights and power arose as much from their role in reproduction as from their role in production. Marriage arrangements, inheritance practices, and obligations based ostensibly on kinship all reflected, and simultaneously influenced, the ways in which the family met its varied needs.

Thirdly, the extent to which women's role in social production, or work outside the context of shared family labor, reduces the economic and social control exercised by the family and thus enhances female independence and

power has been the subject of considerable discussion. Engels again initated this line of inquiry by proposing that female emancipation depended on her participation in production "on a large social scale," impossible without the destruction of the monogamous family as an economic unit of society.[7] Although more recent writers also recognize the centrality of social production to women's condition, Engels' formulation has been greatly modified and expanded to encompass not only economic production, but also the participation of women in the sphere of politics and social relations outside the family. In this analysis, the historical formation of the State prompted the development of a "public" sphere clearly differentiated from the "private" domestic sphere; women, through their roles as childbearers and nurturers, were usually excluded from the public sphere of extrafamilial social relations and political power. The firmer the differentiation of these two spheres became, the more women were isolated from each other and placed under the authority of their male family members. Thus, even though women, in some societies, may have access to productive property and wield considerable power in the "private" sphere as a result, partial or total exclusion from the "public" sphere invariably acts to lower women's status and reduce their power.[8]

In studying the position of women within the Egyptian family, we proceed with careful attention to women's participation in the public sphere and its impact on family arrangements. In the period under discussion, economic activities not based on the family unit, such as corvée labor and wage work in agriculture and industry, were making new demands on the family. The role of women in this expanding sphere of public labor must be explored. In addition, the public life of precapitalist Egypt was based on a number of institutions, such as craft guilds, religious orders, and neighborhood associations. We first consider, in chapter 3, female participation in the institutions which organized and undergirded the social and political life of the city. Women's activities in institutions of male design, however, do not necessarily tell the whole story of female entrance into the public sphere. Women of the urban lower class also created, to a certain extent, a public world of their own; the structure of specifically female associations, and their impact on women's status within the family, add another dimension to the participation of women in the public sphere.

As the nineteenth century advanced, however, the growth of the State, first in its emerging absolutist form and later, after the British occupation, in its colonial form, enlarged the public sphere and encouraged official intervention in aspects of economic and social life. How did this extension of the public sphere and the entrance of the State into areas of life formerly reserved for family or corporate groups affect women? In chapter 3 we also investigate this process by reviewing developments in health and education in which state intervention was felt in the course of the century. The growth of the State also

entailed the refurbishing of its repressive apparatus – the judiciary, police, and prison system – hastened along by the many revolts and acts of individual resistance to the central power. Chapter 4 looks at female participation in the public sphere of the urban and rural uprisings of the century, and examines the ways in which state repression subsequently dealt with women.

While control of property, family relations, and participation in the public sphere remain fundamental to an appreciation of women's roles and status, the fourth dimension, that of ideological definitions of women's roles, cannot be overlooked. The ascription of particular, and often negative, character traits to women and the assignment of females to the status of a second sex is undoubtedly rooted in past material conditions, obscured by the passage of time, and elaborated by an ongoing organization of production and reproduction which entails female subordination. Although social views of women thus arise out of social needs, the set of legal rules, customs, and popular perceptions defining the roles and status of women may, in certain historical periods, appear relatively autonomous and play a real part in determining the position of women. Indeed, the idealization of women and their role may have its greatest impact in moments when the objective situation of women is changing rapidly, and the search for stability and continuity lends ideology more force. The variety of expression of such views, which often appear in the myths and folktales of popular culture in a form quite distinct from official political or religious pronouncements, gives them an elusive quality responsible, no doubt, for a tendency in the literature to ignore this dimension altogether, or focus exclusively on the views of women amongst literate officialdom or the dictates of a monolithic "Islam."

In trying to ascertain the views of women prevailing in nineteenth century Egypt, we are limited to written documents and inferences drawn from the known course of events. Written materials, be they chronicles, official statements, or legal documents, overrepresent the views of upper class male culture; we draw primarily on the minutes of religious court proceedings which, insofar as they record the voices of litigants from varied social backgrounds, reveal, in considerable detail, the perceptions of men and women alike. The affairs of the *maḥkamah al-shar ʿīyyah*, of course, were colored by the precepts of the Muslim religious law, the *sharīʿah*. An evaluation of attitudes toward women based on court records must therefore distinguish between the definitions of women's roles as embodied in the law *per se*, and the interpretations and subtle modifications of the law as it evolved in response to social conditions. Furthermore, and particularly in a period of rapid economic and social change, the definitions of women's roles based on religious law might influence the material situation of women: the very existence of female rights to property, for example, lent legitimacy and power to those women who could exercise them. The constellation of cultural attitudes, including those explicitly expressed in the

sharīʿah, was not the only determinant of women's position but was modified by, and in turn modified, women's family life and labor.

The ideological structures and cultural attitudes surrounding and defining women's roles acquire a clarity and starkness when we focus on the margins of society. Women who inhabited the social netherworld of unacceptable behavior – prostitutes – or of absolute legal impediment – slaves – stood stripped of the usual protections and identities afforded by family connections. Their activities in production and reproduction tended to be insignificant or distorted, for their economic and social roles lay elsewhere. Bereft of family relations that so often helped define the rights and obligations of others, these women lived outside the network of kin and confronted society without the usual supports and protections. We therefore can observe how the ideological dimension, in an unadulterated form, defined the role of women in an environment divorced from basic economic processes and social structures. The prostitutes studied in chapter 4, and the women slaves in chapter 5, constituted a very small proportion of Egyptian women and their lives were in no way representative of their sex. Yet, precisely because of their marginality and the unidimensionality of their social existence, they help us understand the set of attitudes which shaped the position of all women in Egypt.

III

The study of lower class women and their activities on their own behalf has dictated extensive use of the *sharīʿah* court records. The religious courts, the *maḥkamah al-sharʿiyyah*, constituted the single institution with extant records to which women of all classes had access, and where they could tell their stories and lodge their complaints. Although the records from Muslim courts have been used to great advantage to shed light on the world of women in seventeenth century Anatolia, the Egyptian nineteenth century records have been neglected.[9] André Raymond's signal work on Cairo tapped the information available in successions recorded in the religious courts in the very early part of the century, but the wealth of cases touching family and business affairs of all kinds has yet to be fully explored, much less utilized.[10] The paucity of our knowledge about the actual functioning of the courts, their personnel, and their evolution over time may well explain this phenomenon.

The Egyptian *sharīʿah* courts, which adhered to the Ḥanafī *madhhab* from 1805 on, changed in function and influence over the course of the nineteenth century. The procedures, independence, and weight of the decisions had much to do with the growth of state power and its impact on the judicial system. The jurisdiction and organization of the *sharīʿah* courts had long been influenced by a history of conflict and cooperation between the state power and the judicial system. When the civil power flourished, the religious court system sometimes

functioned as a lever of political control, buttressing state policy and implementing state directives; with the waning of central control and authority, the *sharī'ah* courts could assert a tenuous independence and even acquire some of the State's political prerogatives.[11] Throughout most of history, however, the courts proved obedient to political authority and served the goals and interests of the rulers without hesitation.

The nineteenth century in Egypt, however, witnessed an intensified struggle for control of the judicial system between the *'ulamā'* and the State. During the period of Ottoman rule, from 1517 to the rise of Muḥammad 'Alī, the staff of the *sharī'ah* courts was, in theory, appointed by and responsible to Istanbul. Sulṭān Sulaymān initially placed a Turkish *qāḍī l-'askar* (literally a "military judge") at the apex of the Egyptian judicial system. With the aid of four lieutenant judges, his task was to oversee the administration of *sharī'ah* justice. Egypt was divided into 36 court districts, and the district *qāḍīs* were appointed to their posts by the *qāḍī l-'askar* of Anatolia. The *qāḍī l-'askar* in Cairo and the provincial *qāḍīs* were recruited from the ranks of Turkish-speaking *qāḍīs* serving elsewhere in the Ottoman Empire. In the course of the eighteenth century, the waning of Istanbul's direct control over the judicial system weakened the *qāḍīs'* role in the Ottoman administrative system. The courts were gradually Egyptianized: by 1798, in the then 36 judicial districts in Egypt, only six *qāḍīs*, including the *qāḍī l-'askar*, were drawn from the Turkish-speaking *'ulamā'*; the majority of judges were recruited from the Egyptian *'ulamā'*.[12] The religious courts were no longer headed by Turkish judges whose judicial roles were intertwined with administrative tasks on behalf of the Empire: judges with allegiance to the imperial power were replaced by judges with local ties and interests. The courts, like other administrative structures of the period, had attained a certain independence with the faltering of Ottoman rule in Egypt.

After a brief and abortive attempt by the French occupation forces to exercise control over the *sharī'ah* court system at the very end of the eighteenth century, the nineteenth century State moved with more caution yet more thoroughness in pursuit of control of the judicial system. While nominally respecting the independence of the *sharī'ah* courts, the civil authority gradually asserted control over the court's personnel and further limited its jurisdiction. The chief *qāḍī* of Cairo, still appointed from Istanbul by imperial *firmān*, recruited *qāḍīs* for all local courts with the exception of Alexandria. Although the Empire thus retained, in theory, its direct hold on the *sharī'ah* courts, the Sultan's appointee was not always able to assume his post, especially when the Egyptian State was in open conflict with Istanbul. *Sharī'ah* court judges, drawn from the ranks of the Cairene and provincial *'ulamā'*, while thus freer of interference from Istanbul, were undoubtedly more subject to pressure from political authorities in Cairo and the provinces. The State refrained, however, from any overt

regulation of procedure in the *sharī'ah* courts until 1856, when Sa'īd reached an agreement with Istanbul to the effect that all *qāḍīs* in Egypt, except the chief *qāḍī* of Cairo, would be appointed and paid a fixed salary by the Egyptian government; procedural rules were also promulgated for the courts and the elaborate witness system was abolished. In the second half of the century, court personnel were brought further under state control: the 1880 Regulations for *sharī'ah* courts gave the Egyptian Khedive power of appointment of all *qāḍīs*, including the *qāḍī* of Cairo, and new laws in 1908 and 1911 extended state control over religious education and the certification of members of the *'ulamā'* for admission to the ranks of the *qāḍīs*.[13]

During the same period, the State made inroads on the jurisdictional territory of the *sharī'ah* courts. A series of new law codes, particularly the *qanūn al-fallāhah* in 1830, the *qanūn al-siyāsah al-malakīyyah* in 1837, the *qanūn 'amm* in 1849, and the new penal code of 1863, represented official declarations by the civil authority on the scope and limitations of the *sharī'ah* courts. By acknowledging the fact that most penal matters would be dealt with by members of the civil administration and that all punishment, even for matters reserved to the *qāḍī's* judgment, would be meted out by secular authorities, these *qanūns* clearly and officially established the role of the State in the judicial process.

The development of civil laws and codes was accompanied by the establishment of civil councils and courts which gradually assumed jurisdiction over legal matters formerly reserved for *sharī'ah* courts. Although the State had long exercised extraordinary jurisdiction over penal and administrative matters, the official creation of standing judicial bodies with well defined authority deepened and systematized the State's control of the administration of justice. In the 1820s and 1830s, the State established a number of new *dīwāns* (ministries) with judicial powers extending to criminal matters, property disputes, and even *waqf* affairs. A civil high court, the *majlis al-aḥkām*, was established in the late 1840s and, a few years later, similar judicial councils were set up in four provinces. Staffed by representatives from the military and civilian administrations along with members of the *'ulamā'*, the councils administered the newly codified land laws. Finally, in the period between 1876 and 1883, new civil courts, the Mixed Tribunals and the National (Native) Courts, were charged with the administration of most civil law; the *sharī'ah* system was expressly limited to questions of personal status: marriage, divorce, inheritance, paternity, guardianship, and *awqāf*.[14]

Although the various civil codes and courts had no official jurisdiction over questions of family law, the very presence of systems of civil justice invariably led to trespass on this *sharī'ah* preserve. State officials with judicial powers could act, in some cases, as a court of appeal upon unfavorable *sharī'ah* judgments, having the advantage of means of enforcement at their disposal. One *ḥākim siyāsī* (civil judge) granted a judicial decree of divorce to a woman

whose case would surely have been dismissed by the *sharī'ah* court: her husband
had left her well provided for during a brief absence.[15] The civil official *cum*
judge might directly challenge the authority of the religious law, as reported in
an opinion of the *muftī* in Cairo:

Question: There is a man incapable of supporting his wife and she demanded [support]
from him numerous times in the presence of the *'ahl al-'ilm* [*'ulamā'*] and he could not, so
she demanded [support] from him in the presence of the *ḥākim siyāsī* [civil judge] and he
ordered him to provide support and he did not have that which supported himself, so he
ordered him to divorce [her], and he threatened him with beating and frightened him,
and he said to her "you are divorced" in the presence of the *ḥākim* and a group of
Muslims, and after his return from the *ḥākim* he admitted that. And if her waiting period
ended and she wanted to marry another, is that permissible? And cannot her divorced
husband prevent her from doing so on the grounds that a divorce under coercion is not
valid?

Answer: Divorce under coercion is a reality among us and God is exalted in knowledge.[16]

Here the civil judge interfered in an affair clearly within the competence of the
sharī'ah court, and even employed means (coercion) which were anathema to
the *sharī'ah* process. The *muftī* himself, in a brief but pointed response,
recognized that the *sharī'ah* courts were hardly in a position to contest the power
of the State, even when it chose to intervene in spheres reserved to the religious
courts.

Although the State thus could and did assert control over the personnel,
procedure and jurisdiction of the *sharī'ah* court, the religious court system still
preserved a certain autonomy and integrity through most of the century. While
occasionally accused of corruption, as in the state prosecution in 1832 of *wukalā'*
(agents) who employed questionable practices in pursuing their functions as
expediters, the *sharī'ah* court retained an identity sufficiently separate from the
central government, as well as enough of a reputation for justice, to maintain it
as a popular institution.[17] The sheer number of cases preserved in the court
archives (see Appendix) stands as convincing proof that many Egyptians viewed
it as their institution, as a place to which they could go for redress. Lower class
women, for example, many of whom were illiterate and ill-informed as to the
niceties of court procedure, came, often on their own, to plead their case before
the local *qāḍī*. Despite the sometimes onerous financial burden of fees and
bribes, the court remained a locus of popular appeal. We can assume, therefore,
that the procedure and substance of court deliberations were familiar and
comfortable enough to encourage the non-elite to view the court as their
institution. That the enterprise of Islamic law, in its arcane scholarly dimen-
sion, remained the province of a small intellectual elite cannot be questioned.
Yet, in the *sharī'ah* courts of the nineteenth century, aspects of elite culture
intersected with the cultural traditions and social arrangements of the peasant