

## Mixed Couples and Islamic Family Law in Egypt: Legal Consciousness in Transnational Social Space

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### Abstract

Studies on legal consciousness tend to focus on law at the local or national level. This raises the question how legal consciousness is shaped in a transnational context. This paper explores the concept of legal consciousness from the perspective of Dutch-Egyptian families and their everyday experiences with family law. Taking the work of Patricia Ewick and Susan Silbey on legal consciousness as a starting point, the main question that will be addressed is what the study of transnational migrants' encounters with law can add to the theorising of legal consciousness. It will be argued that this can add to our understanding of legal consciousness in at least two ways. Firstly, transnational social space can offer a site for exploring the way personal experiences with law connect to larger patterns of meaning. Secondly, the shifts in societal and legal positions as a consequence of migration offer the opportunity to examine legal consciousness as a dynamic process.

### Key words

Legal consciousness; Transnational social space; Family law; Mixed families

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This contribution is based on findings in the program 'Transnational Families between Dutch and Islamic Family law. A study on transnational legal space, funded by the Netherlands Organization for Scientific Research and Kulk's PhD project within this program on 'Parents and children between Dutch and Islamic family law'. It studies how parents in Dutch-Egyptian and Dutch-Moroccan families use family law and how this affects the formation of the legal relations with their children. For the PhD-project, a total of 73 interviews were conducted in three countries. 34 of those were with parents in transnational families. The second author coordinated the program.



**Resumen**

Los estudios sobre la conciencia jurídica tienden a centrarse en la ley a nivel local o nacional. Esto plantea la cuestión de cómo la conciencia jurídica se forma en un contexto transnacional. En este trabajo se explora el concepto de la conciencia jurídica desde la perspectiva de familias holandesas-marroquíes y holandesas-egipcias y sus experiencias cotidianas con el derecho de familia. Tomando como punto de partida el trabajo de Patricia Ewick y Susan Silbey en materia de conciencia jurídica, la pregunta principal que se aborda es lo que puede aportar a la teorización de la conciencia jurídica el estudio de los enfrentamientos de los emigrantes transnacionales con la ley. Se argumenta que esto puede contribuir a nuestra comprensión de la conciencia jurídica en al menos dos formas. En primer lugar, el espacio social transnacional puede ofrecer un lugar para explorar el modo de experiencias personales con la ley conectadas con patrones más grandes de significado. Y en segundo lugar, los cambios en la posición social y jurídica como consecuencia de la emigración ofrecen la oportunidad de examinar la conciencia jurídica como un proceso dinámico.

**Palabras clave**

Conciencia jurídica; espacio social transnacional; derecho de familia; familias interraciales

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## 1. Introduction

In spite of the ever increasing relevance of transnational processes for understanding how law works in a globalised world, in socio-legal research the transnational context remains somewhat understudied as compared to national and local contexts, (Merry 1992, Gessner, 1995, Cotterrell, 2008, 2009). Van der Kloet, De Hart and Havinga distinguish different ways in which transnationalism is relevant to socio-legal studies (2011, pp. 3-4). Firstly, 'legal regimes [...] cross national borders or regulate activities and events that cross national borders (*transnationalisation of law*). Secondly, socio-legal processes affect the working of law, and these processes operate transnationally as well as nationally (*law under transnationalism*). Von Benda-Beckmann argues that the first has been better studied than the latter: 'great progress has been made in understanding how transnational law is generated and how law is transnationalised, but [...] the ways in which these processes work when actors actually use this transnationalised law in contexts of legal pluralism are not yet adequately understood' (2011, p. 8).

The study of transnational migrant's encounters with law can help to decrease the gap in our understanding of the interaction between society and transnational law. In this article, we argue that looking at transnational contexts can also add to the theorising of the concept of legal consciousness by looking at how people talk about law in their everyday lives and how their perceptions of the law influence the way they handle the law (Ewick and Silbey 1995, Ewick and Silbey 1998, Ewick and Silbey 1999). Many of the main studies developing the concept of legal consciousness focus on law at the national or local level, herewith suffering from what has been called 'methodological nationalism'. One of the exceptions to this is the work by Sally Merry, which deals with the global development of human rights (Merry, 2006, Levitt and Merry 2008). Merry studied how globally generated norms are appropriated and adopted locally, and in the process they become transformed through the specific local history and culture, and the way human rights are framed and communicated locally (Levitt and Merry 2008, p. 441). In this article we will reflect on the concept of legal consciousness from a somewhat different perspective of the everyday experiences of Dutch-Egyptian families with family law. These norms of family law, governing the personal status of migrants, are not generated globally, but nationally, and travel abroad as migrants travel. Hence, in this contribution we look at law under transnationalism.

For the Dutch-Egyptian families in this contribution, the interaction between two systems of family law opens up avenues for influencing how the family's legal relations are shaped. The analysis of transnational family members' perceptions of law may help to understand how they make use of the diverse normative options that are open to them.

The research population consists of parents in 'transnational families', i.e. families that have ties to both the Netherlands and Egypt, living in Egypt or the Netherlands. Fourteen interviews were conducted with Dutch-Egyptian couples of Dutch women married to Egyptian men. This contribution is mainly based on the fieldwork in Egypt. In the semi-structured interviews, couples were asked to explain about the interaction of the two legal systems, with respect to the position of their children. They were invited to tell their own story about marriage, the birth of the child, migration experiences, social environment education. All interviews were transcribed literally.

## 2. Legal consciousness

In their influential work on legal consciousness, Ewick and Silbey made a narrative analysis of approximately 430 interviews in the United States. They found three recurring stories about law, which they named *before the law*, *with the law*, and *up against the law*. In the first story, *before the law*, law is 'described as a formally ordered, rational, and hierarchical system of known rules and procedures' (1999, p.

1028). Law in this story is detached from everyday life and impervious to individual manipulation. It is 'law's own story of its grandeur'. In the second story, with the law, law is described as a game: 'a bounded arena in which preexisting rules can be deployed and new rules invented to serve the widest range of interests and values' (1999, p. 1031). Rather than being detached from it, law is seen as forming an integral part of everyday life. Law 'operat[es] simultaneously with commonplace events and desires' (1999, p. 1031). In the third story of being up against the law, law is understood as 'a product of unequal power. Rather than objective and fair, [law] is [...] arbitrary and capricious' (1999, p. 1034). Those telling this story of up against the law often try to avoid the law or to disturb its working, if only temporarily (1998, pp. 204-213).

Ewick and Silbey argue that these three stories are more than just the summaries of what individuals tell about the law; they are 'the interpretative frames that represent and shape how people experience' law (1999, pp. 1027-1028).<sup>1</sup> According to Ewick and Silbey, these interpretative frames are socially constructed in a reciprocal process. This means that on the one hand individuals give meaning to their world. On the other hand these meanings can 'become patterned, stabilized, and objectified' and thereby 'become part of the material and discursive systems that limit and constrain future meaning making' by individuals (1998, pp. 35-39). Ewick and Silbey define legal consciousness as the reciprocal process of construction of these interpretative frames or patterned meanings. In the words of Mezey: '[W]e understand the law against a backdrop that is the accumulated sense others have made of the law, and each time we make sense of the law in new contexts and invoke it in new ways, we add to what "law" means. In making sense of law [...] we make it' (2001, p. 149).

The question for this contribution is how the study of transnational migrant's encounters with law can add to the theorising of legal consciousness. First, we question how transnational social space can offer a site for exploring the way personal experiences with the law connect to larger patterns of meaning.

Secondly, the shifts in societal and legal positions resulting from migration offer the opportunity to examine legal consciousness as a dynamic process.

### 3. Transnational migrant communities and legal consciousness

Ewick and Silbey stress that legal consciousness is a process and, as such, is not 'fixed, stable, unitary, or consistent' (1992, p. 45). In her review of *The commonplace of law*, Mezey points to the missing connection between individual experiences and patterns of meaning in Ewick and Silbey's theorizing of legal consciousness.

'What is missing is [...] research that will clarify *how* individual meanings and practices become patterned and objectified, the process by which individual acts become part of the institutional architecture. [...] [H]ow and when does the circulation of narrative come to form a pattern that is more broadly recognizable as cultural practice? What are the mechanisms of mass public transmission? These are the questions best answered by midlevel theories. [...] [W]e might look to specific sites of mass initiation and inscription. I am not thinking here of those places where law inscribes bodies directly (the courtroom, the welfare office, the prison) but indirectly, in the common places of law: the news, television shows, movies, novels, comics, high school civics courses (Mezey 2001, pp. 160-162, emphasis added).

<sup>1</sup> Ewick and Silbey use the term 'legality' interchangeably with the term law. They define legality as: 'the interpretive framework and a set of resources with which the social world (including that part known as the law) is constituted' (1999, p. 1027). In this paper this broad definition of law is adopted, that not only encompasses positive law and legal institutions, but also how different actors experience law and what they believe to be law. For reasons of readability we will only use the term law and not legality.

Methodologically it might prove to be difficult to establish a relation between the mass media Mezey refers to and individual experiences. To begin with, the media consumption of the average person is large and the messages about law conveyed in them are diverse. Experimental approaches have been used to study this relation, for instance in studies on preferences for harshness in the sentencing of criminals (Roberts and Doob 1990, Stalans 1993). Others have studied the process of legal consciousness in a specific institutional setting (Harrington and Merry 1988, Hoffmann 2003). We propose that studying transnational social space may help us to understand the reciprocal process of meaning making better, that Ewick and Silbey refer to. Transnational social space, kin to Sally Moore's semi-autonomous social field, allows us to look at the generation and social working of law. Transnational social space does not only include actors who move across borders, but it also includes actors who stay put. Members of social spaces have different social and local positions and they have to deal with different constellations of law (Von Benda-Beckmann 2011). Hence, perceptions of law can be traced within transnational social space, without being limited to studying specific institutional settings or to experimental approaches. Within the transnational social space, norms are being created about how to deal with law, in other words: legal consciousness.

The fieldwork in Egypt demonstrated the existence of a transnational social space of Dutch migrants. Some of these migrants came to Egypt for work or extended holidays, while others were part of our research group: Dutch women married to Egyptian husbands. The Dutch embassy estimates the total of Dutch migrants living in Egypt at 1,500 people, including people with single Dutch nationality and dual Dutch-Egyptian nationality.<sup>2</sup> An estimated fifty Dutch women a year marry an Egyptian husband.

Hence, it is a small community that is closely connected. We claim that for several reasons this community can be considered to be part of a transnational social space. First, contact among its members was facilitated through specific Dutch-oriented institutions, such as a Dutch primary and secondary school, the Dutch embassy and the Dutch cultural institute in Cairo. Additionally, monthly drinks for Dutch nationals were organised in Cairo and Hurgada (the Red Sea area), and Dutch-language media made available: an internet forum and a Dutch language magazine called 'Delta Workers'. On the internet forum, a specific and moderated section was dedicated to the issue 'relationships', where Dutch women with Egyptian husbands share their experiences.

Second, information is being exchanged within the social space of Dutch migrants, more specifically in the form of rather negative narratives of mixed relationships. Thirdly, within the transnational social space, specific norms were being created on how to deal with the legal issues that come up in mixed marriages.

In the remainder of this section, we focus on these narratives and norms. Iris Sportel (forthcoming) has found that in Egypt and the Netherlands a specific negative narrative of Dutch-Egyptian mixed marriages is being produced, which she has referred to as a *Bezness story*. In this story, Egyptian men were being depicted as authoritarian oppressors and only in pursuit of the wealth of Western women or a residence permit in a European country. Dutch women married to Egyptian husbands were being depicted as victims of the love for their husband, the patriarchal Egyptian legal system, and patriarchal Egyptian society in general. Examples narrated within this story refer to the right of an Egyptian husband to forbid his wife to leave the country, go out to work, or even leave the house. Another common story was that, in the case of divorce or death of the husband, the Dutch wife would be left without the means of existence and that they would very

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<sup>2</sup> We came across almost no Dutch men married to Egyptian women and very few respondents knew of any such cases.

likely lose custody of the children to the husband or his family. Hence, it is striking that in the Bezness narrative, legal issues play an important role. Connected to this, a second aspect of the Bezness narrative is that solutions to these problems of Dutch women in mixed marriages are framed explicitly in legal terms, referring to legal tools to protect Dutch women from Egyptian family law. For example, the website of the Dutch embassy mentions:

Dutch citizens are advised to obtain professional legal advice before getting married. [...] The ceremony and documents to be signed will all be in Arabic. It is therefore advised to involve a translator.

[...]

A non Muslim cannot inherit from her/his Muslim spouse. A will can safeguard part of the inheritance.<sup>3</sup>

Although the Egyptian government distributes information on Egyptian family law in Arabic, due to a language barrier, most Dutch women were not able to read this information. Respondents in the interviews got their information about Egyptian law most notably in Dutch, from other Dutch women in Egypt, the Dutch online forum, the embassy website and staff, and fiction or non-fiction books on mixed relationships.<sup>4</sup> Secondly, the women that were interviewed had no substantial personal experiences in dealing with the Egyptian authorities, because their husband mostly took care of legal and administrative affairs. Stories about others which were told and retold were therefore an important source of information about the law.

Doris, married to an Egyptian with two children, said:<sup>5</sup>

That is what you hear, like; oh that woman was widowed and then she got into trouble; that the family of the husband wanted to take away her children. Yes, even women who were in danger of being expelled from Egypt. Because you do not get a residence permit if the husband dies and the family does not want it. That is not hard at all here, everything is possible. Everything is perfect as long as your husband is behind you and agrees with you. If that is no longer the case, then you are less than nothing here. They can throw you out from one day to the other. You are actually quite vulnerable.<sup>6</sup>

Tineke, also married to an Egyptian husband with two children, explained:

Well, with most of them it goes wrong. I know maybe three good marriages and twenty that fail. More than in the Netherlands and it really goes wrong. People become really unhappy, because it really goes wrong. I think people do not really realise that. It can be legal, because you have less rights. But it is also a different view of things. Even men that seem reasonably westernised, they can get really nasty if there are daughters at stake. It really is very difficult.

Stories like these are not only told and retold by Dutch women married to Egyptians, but also by other Dutch migrants who are not in a mixed marriage, at drinks and other gatherings. Within the transnational social space, some were considered more experienced than others, such as women that had been living in Egypt for a longer time and embassy staff. These experienced members of the community warned 'newcomers' about the risk of being in a relationship with an Egyptian man. They serve as 'cultural reproducers' who are empowered to decide on what is appropriate behaviour and what not and to exert control over others who are perceived as deviants or naïve (Yuval-Davis 1997, p.37). These warnings were

<sup>3</sup> Website of the Dutch embassy in Cairo, [egypt.nlembassy.org/services/consular-services/marriage](http://egypt.nlembassy.org/services/consular-services/marriage) (accessed 22 January 2013).

<sup>4</sup> E.g. the book Hanneke Rozema, *Grenzeloze liefde. Westerse vrouwen over hun Arabisch-Islamitisch huwelijk*, Bulaaq: Amsterdam 2005. Another is the non-fiction book by Noor Stevens and Natasza Tardio, *Kus kus, Bezness (Kiss Kiss Bezness)*, De Boekerij, Amsterdam: 2011.

<sup>5</sup> All names in this article are fictional.

<sup>6</sup> All interviews represented in this paper were conducted in Dutch. The translation into English was done by the author. For reasons of readability the excerpts were abbreviated.

also provided by institutions such as the Dutch embassy. One former employee of the Dutch embassy in Egypt said to have advised against marrying a prospected Egyptian husband several times, while another former employee said that, in the 1990s, Dutch women were provided with a flyer with information on marriage to an Egyptian.

Teresa, married to an Egyptian with two children, remembered her contacts with the Dutch embassy:

I went to the embassy to inquire what I needed to get married in Egypt and I received a pack of paper. In these papers, they sort of advised against marrying an Egyptian. Because, you know, they point at all the rights that you do not have if you marry an Egyptian. That your child has no right to the religion you want to have. That you do not have freedom of religion. Those kinds of things. Indeed, it is true, but at the time I found it terrible. Looking back, I can understand it better. You see girls that marry and who have no idea. But I found it striking, that the embassy sort of advises against taking the step, although you have to arrange the paperwork there. Although in hindsight I think it is good that they did that.

In this quote, Teresa demonstrates mixed feelings about the advice against mixed marriages that the embassy provided. On the one hand she questions whether such advice should be the task of an embassy and she remembers the negative emotions that were caused by the advice. On the other hand, she underscores the importance of such information for 'girls' who are uninformed. This ambiguous attitude was common among Dutch informants in Egypt. On the one hand, they rejected the negative stereotypes reproduced in the advice and information while, on the other hand, they underscored the importance of informing the 'naïve ones'.

In discussions on the Dutch internet forum, a recurring theme was the opposition between women who were 'in love' and 'naïve' or let themselves be 'abused', and those that were 'sensible', took time to really get to know their husband, or had agreed upon marriage stipulations in the marriage contract (see Sportel, [this issue](#)). Hence, telling and retelling these stories in a sense became a condition for membership of the transnational social space (see also Gehring, [this issue](#)). It meant that all the Dutch women in a mixed marriage had to position themselves in relation to these narratives in one way or the other. Some of the middle-aged Dutch women that were interviewed were almost apologetic about not having agreed upon marriage stipulations with their husband. Some said that in their day (the seventies and eighties) nobody was aware of the risks resulting from the Egyptian legal system. Others excluded their marriage from the Bezness story by stressing how it was exceptional, that their husbands were not 'typically Egyptian' men or that they did not come from a 'typically Egyptian' family. Apparently they felt the need to defend themselves against an implicit presumption of being naïve. They made distinctions based on class and location (city/countryside). Karen, a widow with two children, explained:

I was so lucky to end up in a good family-in-law (...) I always say in the Netherlands, 5 % is the highest and richest, then you have a 90 % middle group, and 5 % is the lowest. In Egypt it is the other way around: you have 5 % the highest, a 5 % middle group and 90 % is the lowest group. So with the 90%, that will not work out. And even the middle group, if a Dutch women comes from the Netherlands and marries an Egyptian of the middle group, nine out of ten times it turns out bad. I have seen it with several ladies. One way or another, the rift is too big, it is a different lifestyle. You will not make it. Luckily, I ended up in the better circles.

For women new to Egypt it might be quite hard to miss these stories, if they are part of the Dutch migrant community. They too had to position themselves between being naïve but romantic, or sensible but suspicious towards their Egyptian partner. This created ambiguity where women on the one hand criticized the negative stereotypes about mixed relationships, but on the other hand reproduced these stereotypes. Respondents, themselves Dutch women with an Egyptian husband,



also reproduced them. Linda, a Dutch woman with an Egyptian boyfriend, no children explained:

The first four, five months of our relationship, I was occupied with all the legal issues. And scared for the role of men in Egypt and blab la bla. I wanted to comprehend everything. About marriage, about the status of women. All those things, so yes, I think that Egyptian law says that the husband can prevent you and the children from leaving the country. I looked into all these things at the time. Inheritance, property et cetera.

At a certain point, I thought: I have to let it go. I can get afraid about all the legal issues and say; I do not want to go there, but may be then you push someone away that may be very important in your life. I thought: things will happen when they happen, I will look at it then.

Almost all of these stories were based on hearsay; as all the Dutch women that were interviewed were still married and some had been quite happily married for several decades. They were stories about what *might* happen in case of marital breakdown or death of their husband. They were stories based on what had happened to women they knew or women they had heard about. Quite often also, the stories were not about a specific woman but about what was expected to happen to women in general when marrying an Egyptian husband. Often it was not exactly clear what the origin of a particular story was. As they were retold time and again, the stories became more archetypical.

Lastly, in a way, some of the Dutch interviewees seemed to enjoy recounting these stories, as they created a sense of solidarity among fellow countrymen and women by creating distance with mainstream Egyptian society. Hence, telling the stories strengthened a sense of community. The stories also created a kind of pleasure in sharing the shocking details with someone else over coffee. Both the narrator of the story and the listener could agree on their disapproval about the husband's behaviour and maybe also of the woman, because she let it happen and had been naive, or sympathise with her. The stories were in some cases at once a form of pastime, a token of a sense of community and solidarity, as well as a way of excluding themselves from the naive ones. Hence, we could see sharing these stories as a form of transnational gossip, as they serve the three functions commonly understood in the literature: first, as a source of entertainment; second, as an informal means of obtaining and passing on information to other members of the community; and third, community members can use gossip as a mechanism for influencing others in their social group (Dreby 2009).

Returning to the issue of legal consciousness, it is clear how Dutch women's understanding of Egyptian family law is not formed individually but within a specific social context of negative and gendered narratives of mixed marriages, Egyptian men and Egyptian society. Their legal consciousness is formed in a transnational social space, not only in the sense of a transnational Dutch community in Egypt, but also because the stories told within this social space travel across borders to the Netherlands, are retold there, published in Dutch newspapers, and passed on by institutions to mixed couples.

#### 4. Legal consciousness and marginalisation

Ewick and Silbey in their work seem to assume a certain link between marginalisation in society and the occurrence of stories of being up against the law. However, they do not elaborate on the nature of this link. In reaction to this, Nielsen has studied the link between gender and race and legal consciousness more systematically (2000). In her study on attitudes towards the regulation of offensive public speech she found that 'up against the law' stories systematically occurred more often with respondents belonging to groups that, because of their gender and/or race, hold disadvantaged positions in society. Nielsen attributes this to the likelihood that members of these groups have had previous negative encounters

with law, as compared to members of more privileged groups. These previous encounters do not necessarily have to be personal experiences. Stories of other people about their experiences with the law and legal authorities also shape legal consciousness (Stalans 1993, 1994).

To study the link between marginalisation and legal consciousness adequately, an intersectional approach is vital. Intersectionality refers to the mutually constitutive relations among social identities such as gender and social class, which may reinforce and naturalise one another. It means that social positing is connected to power and inequality in complex ways. One can be privileged in one social position but disadvantaged in another (Crenshaw 1990, Shields 2008).

The women in this study were not only potentially marginalised as women but also as foreigners and non-Muslims living in Egypt. How did these different social positions influence the way they talked about Egyptian family law? First of all, it is important to note that many of the respondents were in relatively well-off socio-economic positions. Migration does not always mean downward mobility and the Dutch in Egypt are generally considered to be a group of 'migrants of privilege', (Croucher 2009). Also, as white European foreigners, Dutch women hold a relatively high social status in Egypt (Walby 2010). Hence, although as women they may hold a marginalized position in Egyptian society, as white European migrants of privilege they do not. This may have an impact on the stories that they tell about Egyptian family law.

For example, Ingrid, a Dutch woman in her forties living in one of the tourist destinations of Egypt, owns a business in the tourist industry together with her Egyptian husband Mohammed and they have two young children. They met some ten years earlier, when Ingrid had taken a year off from her job at a company in the Netherlands and worked as a tour guide in Egypt. Over the course of that year their friendship grew closer and they started a relationship. After this period Ingrid moved back to the Netherlands, but she kept visiting Egypt regularly. For some time she was in doubt whether to move to Egypt permanently. On the one side, she wanted to live with Mohammed and she liked being in Egypt. On the other side this would mean that she had to give up her career in the Netherlands, unsure whether the business they were trying to set up in Egypt would be a success. After a year and a half she decided to move to Egypt. The couple managed to attract a big client and this has provided them with a relatively stable income since.

As is not unusual for mixed couples in Egypt, Ingrid and Mohammed had an informal Islamic marriage or *orfi* marriage when they started their relationship. Social and religious norms, as well as State law in Egypt strongly condemn sexual relations outside of marriage. Unmarried couples can have difficulties renting a house together or they can get into trouble with the police. Informal marriages are a way to legitimise a relationship both socially and in interactions with the authorities, while not committing to an official marriage with its resulting legal consequences.<sup>7</sup> When Ingrid was pregnant with her first child, she and Mohammed concluded an official marriage. The marriage was concluded in the capital Cairo, at the government agency that is exclusively authorised to conclude mixed marriages. The couple included marriage stipulations in their marriage contract, as is possible according to Egyptian law. Ingrid said the following about this issue:

We agreed on marriage stipulations, my husband and I. We did that through a lawyer in Cairo. There are some things in the law that are just so binding; you can't diverge from them in a contract. So my husband and I talked about what we wanted to have in our marriage stipulations. We agreed that if we would get divorced, I would stay in the house until the kids are eighteen. And we stipulated my inheritance, because I'm not a Muslim. Also, we agreed I would be the one supervising the children's assets in case he was to pass away. And we agreed that,

<sup>7</sup> See Abaza (2001), Abdalla (2007), Shahrani (2010), and Walby (2010) on informal religious marriages in Egypt.

because when I was pregnant we knew we were going to have a girl, our daughter wouldn't be circumcised. Maybe it's a bit strange to arrange that in the marriage stipulations, but it was that important to me, so I wanted it mentioned. And also, yes, I'd be free to travel where I wanted and to work; we agreed on all of that too. [...] In my other relationships in the Netherlands I never did that. You know, really sit down and talk about how are we going to arrange this and how are we going to arrange that. I was never married before, but I never did that with my previous partners. That's really because it's an intercultural relationship, because I'm living in another culture.

Here, Ingrid is telling a story that is not quite one that can be categorised as being 'up against the law'. Although as a woman and a non-Muslim she feels she is poorly protected by Egyptian family law, she does not consider herself powerless in the face of the law. Here, we could say that she tells a 'with the law' story. In Ewick and Silbey's accounts of stories of up against the law, the persons telling the story often try to avoid law. Or, when they are not able to do so, they try to disrupt the working of the law, however temporarily, by 'employing ruses, tricks and subterfuges' (Ewick and Silbey 1999, p. 1034). Ingrid, however, also actively turns to the law for her protection, in agreeing with her husband on a considerable number of marriage stipulations, both financial and non-financial. From the interview it becomes apparent that she was the initiator of the process of drawing up the stipulations and most of them were geared towards her protection. Furthermore, she believes that the marriage stipulations will in fact protect her in case of need and that agreements, once properly written down, shall be honoured. The legal system in this story is predictable, fixed, and not susceptible to individual manipulation (Ewick and Silbey 1999, p. 1028). Ewick and Silbey argue that these kinds of stories in which the law has 'multiple and contradictory meanings' are by no means an exception. These multiple meanings actually are what makes law a 'powerful and durable social institution', because they 'protect [law] from, rather than expose it to, radical critique' (1999, p. 1036). Every story of up against the law also implies an image of the law as justice equally accessible to all.

The case of Ingrid illustrates the importance that previous encounters (both personally and mediated through stories of others) might play in understanding legal consciousness. Coming to Egypt and marrying her Egyptian husband, Ingrid expected to be confronted with a legal system that appointed her with a marginalised position as a woman and a non-Muslim. This does not mean that she sees herself as marginalised. Spending most of her life in the Netherlands, she holds a university degree, and before her migration she had built up a career in the Netherlands. In the light of her educational background and advantaged socio-economic position, even after her migration to Egypt, she considers herself able to engage in solving the legal problems that may arise. As we have already seen, some women do not expect problems with gender inequality to arise, when they married into well-off circles.

The marginalised position as non-Muslim was sometimes addressed by converting to Islam. This conversion was often strategic, used as a way to improve the legal position, especially concerning inheritance rights and child custody. This could for instance mean that the woman could inherit from her husband and he from her, but also that the children could, who are considered as Muslims in Egypt, inherit from their mother. Again, women did not try to avoid or circumvent law, but to improve their legal position. Their aim was to have things arranged for themselves and their family as well as possible, in case of transnational ties, in two countries (the Netherlands and Egypt). Hence, our conclusion is that in spite of considerable critique of Dutch women in transnational families on their marginalized position as women and non-Muslims in Egyptian family law, as exemplified in the Bezness story, rather than resisting or avoiding the law, they tried to navigate the law: they navigate between the different wishes, expectations and norms surrounding their family (see also introduction, this issue).

The process of migration and the resulting shifts in legal and societal position offer an opportunity to try to untangle the relation between legal consciousness, societal position, and previous experiences. The Dutch women interviewed in Egypt did not consider their position as women in the Netherlands as a marginalised position, either legally or socially.

## 5. Conclusion

While most studies of legal consciousness are confined to the national context, this contribution looked at legal consciousness in a transnational context. This study has demonstrated that legal consciousness is not developed individually but within a specific social context. In this case, using the concept of transnational social space, we have demonstrated how within that space, through narratives told and retold, and information distributed through different media, norms are being reproduced about the legal problems emerging in mixed families between Dutch women and Egyptian men, as well as norms about how to deal with these legal issues. Looking at such specific social contexts helps us to understand better the concept of legal consciousness, the complex relationship between the quotidian acts and accounts of ordinary people, and the shared understandings of law.

Secondly, using an intersectional approach, we have complicated the assumption that a marginalised social position leads to a legal consciousness of up against the law. We have demonstrated that social positing is connected to power and inequality in complex ways. Dutch women living in Egypt may be marginalised as women, but not as migrants of privilege, and they have developed strategies to deal with marginalisation, such as strategic conversion. These shifts in societal and legal position offer the opportunity to examine legal consciousness as a dynamic process. It also helps us to see Dutch women in mixed marriages not just as dupes caught in a mixed marriage, as presented in the *Bezness* story, but as actors with agency as community members in transnational legal space.

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