

Women living under muslim laws
النساء في ظل قوانين المسلمين
Femmes sous lois musulmanes



Dossier 17

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Dossier 17 was edited by Marie-Aimée Hélie-Lucas and Harsh Kapoor
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About the Dossiers

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Introduction

This issue of the Dossiers focuses on two main areas: the role of culture in the making of religious identities; and progressive interpretations within Islam.

The issue of culture viz religion and identity is crucial to us; one of the aims of WLUML is to facilitate debate towards disentangling cultural identity from religious and political identities.

The paper by Ayesha Imam sets the terms of the debate by exploring sexuality in Islam - and deconstructing its norms, historically and in different Muslim set ups.

The Senegalese writer Aminata Sow Fall assesses the plurality of cultures in Senegal and describes people's daily practices of religious syncretism.

Nasr Abou Zaid is the Egyptian professor who was forcibly divorced from his wife by a fatwa pronounced by fundamentalist Egyptians alleging that his writings made him an apostate, a position later confirmed by the highest legal authority in Egypt, the Egyptian Supreme Court,- leaving both secular and generally democratic opinion in a state of shock. He explores "the racial" and "the ethnic" in arabic language as both a root and an expression of the the historical evolution of discrimination between women and men, arabs and non arabs.

Elie Dib Wardini questions the monolithic construction of boundaries and identities by discussing the intertwined concepts of nationality, culture, religion, language and political ideologies .

We have included a special section on Afghanistan, which remains the most recent burning point of religious extreme Right state action against women. From women within Afghanistan itself, from Afghan women refugees in neighbouring countries, from women from Muslim background and from the international community at large, voices were raised in defense of Afghan women, so far in vain.

As in some our previous Dossiers, a section is devoted to progressive and women's interpretations of Islam. In our next issue, we will give more space to secular writings.

Bouthaina Shaaban looks at the hidden history of women interpreters. She focuses on Nazira Zin-al-Din , a knowledgeable Muslim women scholar from Egypt who wrote in the 1920s.

Ziba Mir Hosseini explores the dialectical relation between a secularist stand for women's rights and a feminist reading of the Shar'ia in today Iran, through the work and role of scholars and the entryist strategies of women's rights organisations.

Peter Clark reviews the contemporary commentary work of Pr Muhammad Shahrur from Damascus. Rather than a purely religious commentary, his books are a social and political analysis of closed Arab Muslim societies and a reassertion of the liberal tradition in Islam.

The Muslim Religious Right (‘Fundamentalists’) and Sexuality¹

Ayesha M. Imam

As increasing numbers of scholars have pointed out, the study of Muslim peoples and their societies - including their faith, histories, behaviours etc. - has often been made difficult by a number of essentialisms and conflations. Before turning to the specific concern of this paper, I want to deal with some of these because of their implications for the issue of sexuality. First, the point has been made more than once that there is a tendency to essentialise ‘Islamic societies.’ That is, there is the habit of “reducing everything to a given set of doctrines, with a given set of edicts on women [or anything else], and attributing the practices and ideology of Islamic movements to the implementation of these doctrines” (Najmabadi 1991:63 - my insertion).

The Confusing Conflation of Islamic and Muslim

One reason for this is the conflation between ‘Islamic’ and ‘Muslim’. Islam is the religion or faith (the way of Allah), while Muslims are those who believe in Islam and attempt to practice it. Islam is an issue of theology. However, what Muslims (human fallible people) make of Islam is an arena open to social scientific inquiry. In other words how human beings understand and apply Islam in their contemporary realities and daily lives can be seen to be often contentious (or at the least an area of debate). This is so not only in the present but throughout the past history of Muslim communities. The recognition that Islamic and Muslim are not synonyms is important because it helps avoid essentialising Islam and reifying it as an a-historic, disembodied ideal which is more-or-less imperfectly actualized in this or that community. It also refuses to privilege the dominant discourses of one particular Muslim community at one particular time over all others hence avoiding essentialising the histories of Muslim communities (see Shaheed 1994).

1. Presented at the Conference on Religion, Sexuality and Contemporary Crisis, Park Ridge Centre for the Study of Health, Faith and Ethics, Chicago April 14-16, 1996

Muslim societies do, of course, have commonalities. An acceptance of the Qu'ran as the holy book of Islam and of the hadith² as exemplary sources of knowledge of Islam is one.³ As a direct revelation, the text of the Qu'ran is not questioned. Nonetheless, interpretations of what the message of the Qu'ran means in the daily life of Muslims are - and always have been. There are debates about how particular verses should be understood and what their implications are for contemporary life. Furthermore, there are debates on the reliability of particular hadith themselves, as well as on their implications for the everyday lives of Muslims. Similarly the development of various schools of Sharia⁴ testify that there are diverse understandings about how Islam should be practiced. The Hanafi, Hambali, Maliki and Sha'afi schools of Sunni Sharia as well as the Shi'a school provide differing understandings of Islamic legal opinion, all of which are Muslim. They vary, for instance, in their opinions about the permissibility of the use of contraceptives and abortion. (See, amongst others, Mernissi 1993, Ahmed 1992.)

Essentialising 'Islamic societies' ignores the real existence of a multiplicity of ways of being Muslim. Amongst all the possibilities who can authorise the 'the essential Islam'? This question hence directs attention to the power relations in Muslim communities - who has the power to define and enforce particular ways of being good Muslims - including dealing with the sexualities of Muslims?

Muslim and Islam are not Synonymous with Arab and Middle East

A second common conflation is to make Muslim and Islam synonymous with Arab and Middle East. Despite its historical origin in Arabia and the honorable status accorded the Arabic language, there are far more non-Arab and non-Arabic speaking Muslims than there are Arabs or Arabic speakers. This is evident in Asia. Indonesia is, after all, the largest Muslim country with a population of nearly two hundred million, which alone outnumbers Arab Muslim populations. Similarly Pakistan and Bangladesh between them account for around another hundred million or so Muslims.

2. Sayings of the Prophet Mohammed or anecdotes concerning his life, as recounted by those who were his contemporaries and passed on to others in a traceable line of transmission.

3. The historical experience of colonisation and presently of being post-colonial subjects is probably another.

4. Formally systematised bodies of Muslim laws - combining jurisprudence, law and theology.

It is also the case in Africa, where it is less obviously evident for a number of reasons. First, there is the habit of referring to much of North and East Central Africa, (all the way from Morocco on the far north west coast of the continent, to Sudan and Somalia on the east of the continent down as far as the equator), as part of "the Middle East." Second there has in these countries been a series of processes of Arabisation. These began with the early Muslim expansions in the first two centuries of Islam (i.e. the seventh and eighth centuries of the Gregorian calendar), during which time, for example, the indigenous languages of lower Egypt disappeared. They move on, more recently, to the periods of nationalist independence in the 1960s - as in Algeria, where state policy deliberately ignored other Algerian languages, like Berber, in favour of Arabic. They also include the increasing influence of fundamentalist movements in the 1990s, as in contemporary Sudan.

However even in less Arabised areas, there have been many Muslim communities for a long time. Parts of East Africa have been Muslim influenced since the seventh century, and particularly since the eleventh century. In some areas of West Africa Islam has been recognised as a state religion since the eleventh century. In fact, there are almost as many Muslims in West Africa as in the whole of the 'Middle East' (Nigeria alone has about 50 million) and Islam remains the largest growing religion in Africa.

This recognition of the geographical variability and historical spread of Islam points to the fact that the practice of Islam in Muslim communities is neither identical nor static. Each community has its own history - and hence there is the need also to periodise Muslim discourses in specific locations as well as referring to broad similarities. The actual lives of women and men in Muslim societies show not only similarities, but also enormous differences from one time period to another, between different communities, and within the same societies at any point in time. For instance, in very many countries in Africa and Asia (as in Egypt and in Nigeria), the past shows elite women recognised and esteemed as scholars (Badran and Cooke [eds.] 1992, Boyd 1982, Keddie and Baron [eds.] 1991). However, often in the contemporary world, schooling for girls is resisted on the grounds that Muslim girls should marry early and not waste time studying.

Divorce and polygyny are very common and unremarkable in Muslim communities in Nigeria (Smith 1981, Pittin 1979), but uncommon and currently regarded as shamefully embarrassing in India and Bangladesh (Rehnuma?). Similarly, women's

seclusion⁵ practices are generalised in Bangladesh, in northern Nigeria, in Mombasa, Kenya and in northern Sudan, where they are regarded as intrinsic to Islam (see Papanek and Minault 1982, amongst others). Yet seclusion is virtually unpracticed in Indonesia, Senegal, the Gambia, Burkina Faso and Niger. Further, the very forms of seclusion and the strata of women and men implicated in seclusion practices in both northern Nigeria and in Bangladesh have changed in the last fifty or sixty years - but for different reasons and in different ways (compare Feldman and McCarthy 1983 and Imam 1994, for instance). Evidently the simple reference to 'Islamic seclusion' in discussions of sexuality may obscure more than it clarifies.

Muslim Discourses of Sexuality

The issues of divorce, seclusion and even access to education all have implications for considerations of sexuality. Thus, evidence of their variability points to the need to recognise and distinguish different Muslim discourses of sexuality. There is a dominant discourse and stereotype about 'Islamic sexuality' which presents Muslim women as always both submissive to and tightly controlled by men who have the capacity to marry four wives. Sexuality in this discourse is, of itself, neither good nor bad, but an elemental and natural force that should, however, be suitably channeled in society. Both men's and women's sexuality are seen as naturally active, and while men's arousal pattern is faster, 'foreplay' is enjoined as a religious duty on men as women also have a desire for and right to sexual pleasure and satisfaction. Women are thought to have a greater potential for sexual desire and pleasure, nine times that of men. However, it is women's passive exudation of sexuality to which men are vulnerable which provokes men who then deliberately arouse and fulfill desire in women. Thus women's sexuality is seen as naturally both greater and more passive than that of men. The idea of natural sexuality here is not solely reproductive, but it is definitely heterosexual with masturbation, homosexuality and bestiality condemned as unnatural (see Boudhiba 1975, Mernissi 1975, Al-Hibri 1982, Sabbah 1984 for this and opposing views).

Muslim patriarchs conspire with the salacious 'other' gaze of the West to present this as a single monolithic discourse of sexuality in Muslim societies - but realities are very different. The infamous honor-shame complex, where a man's honor lies in the control of the

5. By seclusion I refer specifically to the restriction of women's freedom of movement to domestic space - rather than the whole panoply of dress codes, sexual segregation and avoidance/deference behaviour that is frequently collectively referred to as *purdah*. See Imam 1994.

bodies and sexual practices of women in the same family, is widespread in the Mediterranean area,⁶ Arabia and parts of South Asia (see Antoun 1968, for example). However, it is virtually unknown in sub-Saharan Africa and much of South East Asia. For instance, in Hausaland 'honor' killings are unknown, even as a bad joke. Men marry prostitutes eagerly and women may be known to be prostitutes by their families. It is not a favoured profession but women are not killed for it either - much less for suspicions of non- or extra- marital affairs (Imam 1994).

Similarly, the view of women's sexuality as threatening to the social order, overwhelming, impossible for women to control themselves and/or impure and therefore needing purification and control of protect women's virtue which is behind the practice of clitoral amputation,⁷ commonly practiced in some countries (like Egypt, Sudan, Mali, the Gambia). Clitoral and labial amputation and labial closure makes sexual intercourse painful and difficult for women - sometimes necessitating re-opening with a knife, razor blade or other sharp instrument (see El Saadawi 1980, Toubia and An-Na'im 1993). In all these countries, it is defended as a requirement of Islam. Yet, in other countries with Muslim communities it is wholly unknown (e.g. Algeria, Tunisia, Pakistan, Singapore) or (as in northern Nigeria) not common among Muslims and considered to be a pagan practice (Dorkenoo and Ellsworthy 1992, Mandara 1995). In fact, by contrast, in northern Nigeria a baby girl may be made to undergo hymenectomy⁸ in order to ensure she can be easily penetrated, although this is apparently a disappearing practice (Mandara 1995).

Muslim discourses of sexuality vary not only by community, but also over time. For example, northern Nigeria has been dominantly Muslim at least since the eighteenth century, some argue the fourteenth century. But, even in the last sixty or seventy years there have been changes in the discourse of sexuality such that tsarance (Hausa - institutionalised pre-marital lovemaking or sexual play that stops short of actual penetration) which used to be a common and unremarkable practice up to the 1940s and 1950s (Smith 1981) is now considered to be un-Islamic and 'rural.' To the other extreme, girls are

6. Including in non-Muslim communities, as in Greece (see Schneider 1971).

7. The amputation of the clitoris - in some areas including also the amputation of the vaginal lips and/or sewing up of what remains - is often erroneously referred to as female circumcision. Circumcision in males excises only the foreskin of the penis, rather than the whole organ. The amputation of the prepuce of the clitoris, commonly referred to as sunna circumcision is the equivalent. It has been noted to occur, but the frequency with which attempted sunna circumcision actually results in whole or partial clitoral amputation is still a question to be researched.

8. The removal of a 'too large' hymen, done usually 7 days after birth.

frequently now not being allowed even to dance at the kalangu (Hausa - drumming and dancing held each market day - Imam 1994).

The Nature of Sexuality and Subjectivity

The analysis of different discourses of Muslim sexuality - their conditions of possibility, their histories, their implications in daily life - depends, of course, on our understanding of the nature of sexuality. In general terms one needs to have an understanding of the processes by which selves (always gendered, always sexual) are formed, in order to investigate the ways in which people realise themselves in, resist, or support particular ideologies and practices of sexuality. This historical and comparative approach to sexualities clearly rules out biologicistic premises. But what is sexuality? A fundamental component of identity is our sense of being not simply human, but male or female in sex and with particular gender formations. Juliet Mitchell (1980) argues that this is a relational difference, based on the necessity of heterosexual reproduction. However, she, along with many others, stresses that the 'contents' of sexuality are social, rather than a matter of reproductive biology, since what masculinity or femininity entail is not the same universally.

Although we may feel our sexuality as emanating from and personal to each of us, it is constructed and regulated publicly in many different ways. These include customs or laws defining who may marry or engage in sexual practices with whom, in which ways and in what circumstances. They also include policies (formal or informal) about the control of fertility and so forth. Sexuality is not restricted to physical sensual gratification either, but informs, for instance, senses of self-worth (indicated in statements like "I'm only a woman") and modes of self-fulfillment (such as that Hausa men may feel their virility is bound up in economic control of their households but not in carrying out domestic labour, or Arab men that their manhood is expressed in controlling the sexual conduct of wives and sisters). Sexuality also has to do with how one relates to people of one's own or other genders, regardless of any intention of seeking sensual gratification with them (for instance, with avoidance, contempt, deference, competition, bonding...). Finally it is structured also into the organisation of social space and relations of production (e.g. gender divisions of labour in agrarian societies, and occupational sex segregation and the 'woman's wage' virtually world wide). See Weeks 1985 and 1986, Coward 1980 and 1983, Burniston et al 1978, Milchell and Rose 1982.

Subjectivity (including sexual, gender identity) should be seen as constructed not through entry into one symbolic order but possibly

through a number of discourses (Coward 1983, Mama 1987, Imam 1988). In so doing, one moves toward seeing the subject as constituted through taking subject positions in a number of (often intersecting) discourses. Thus subjectivity entails sexual identity, but also positioning in ethnic, religious and other forms of identity.

Foucault suggests the importance of looking at the constitution of the subject "at the level of those continuous and uninterrupted processes which subject our bodies, govern our gestures, dictate our behaviours etc." (1986:233), regarding subjugation to the 'how' of power operations as itself constituting the subject. That is to say that our subjectivities and sexualities are themselves partly constituted in the ways in which we daily act in the discourses which govern gender divisions of labour, daily dress, behaviour towards spouses and so on.

Discourses are themselves historical products however. The conditions of their existence and the historical terrains they construct are not static. However, new ideological terrains are not so much completely new fields but the reordering, dis-articulation and re-articulation of ideological elements in new ways, as well as to new elements (Gramsci 1971, Laclau 1979, Hall 1988). And, I might add, so that they intersect other ideological terrains at different points or in new ways. Further, some ideological elements are more crucial and stable than others in the constitution of the fractured and unsecured subjectivity - not around the Phallus alone, as Lacan suggests - but certainly around key questions of sexual, ethnic, class and other forms of identity. The work of Gramscian intellectuals can be seen as transforming subjectivities to the extent they are able to keep a resonance with these key elements while forging new articulations of other ideological elements with them.⁹ And this is where we can begin to consider the discourses of sexuality being (re-)constructed and (re-)invented by contemporary religious and other movements and their implications for changing ideas about and practices implicated by sexuality.

'Fundamentalism'?

Here, I wish to enter a caveat on the term 'fundamentalism' which has come into use to describe all sorts of conservative right-wing movements, and particularly on the phrase Muslim or Islamic fundamentalism. First, it is a term which derives from Christian history, and is not particularly appropriate to other religions. The common usage also causes political difficulties as many Muslims have

9. See Coward 1983, Mama 1987 and forthcoming, Imam 1988 and 1994 for further expositions of this type of theorisation of the construction of subjectivity and sexuality.

no objection to being termed those who are concerned with the fundamentals or the roots of the faith. Many of these are not otherwise supporters of the types of movement referred to as 'fundamentalist,' but who then have declared an affinity with them through acceptance of the nomenclature. In addition, it is a misnomer as what the fundamentals of a faith are depend very much on who is doing the defining - they are not a simple or uncontested issue. Furthermore, it is necessary to distinguish between general moves to increased religiosity and cultural assertions - such as Muslim renaissance or revivalism - and what many of us prefer to term the 'religious right' or 'religious conservatives' who are only one strand of a broader phenomenon.

Muslim religious right movements share a number of characteristics - which are shared with all religious right movements (see ROAPE 1991, Sahgal and Yuval Davis 1992, WLUML 1992, Yuval Davis 1980). First, they claim a return to the fundamentals of faith and to a tradition unsullied by modern excesses. Subjected to inspection this is actually a creative vision (re/construction) of 'Islamic society' and not a return to any known historical past nor actual literal interpretation of surahs. There is selection and interpretation always. Second, there is the claim to the only true vision and an intolerance of all other views, whether or not also Muslim. Muslim dissenters are denied with the argument that Islam is in danger, therefore all protesters against their views are traitors to Islam - hence giving the excuse for forcible suppression (Helie-Lucas 1993). Third, there is the seeking of power to impose their own vision forcibly on others. Fourth, the community of identity focused upon is the Umma, the community of Muslim believers, and all other forms of identity (national, ethnic, occupational) are considered irrelevant. Fifth, they excoriate 'western feminism' and attempt to brand all forms of women's assertions to autonomy as foreign, western and anti-Islamic. Finally, there is the objective of the control of women (including women's sexuality) by men and the wish to legislate what women can or cannot do and to punish non-conformers. It is this view of sexuality that is discussed below.

Commonalties of Muslim Religious Right Views on Sexuality

In keeping with their vision of a boundary-less Umma, Muslim religious right movements - from Afghanistan to South Africa, and Iran to Bangladesh, and including in Muslim minority communities in countries like Britain and France - have a remarkable consistency of vision regarding gender relations and sexuality. Commonalties include

the centrality of concern with women, an asceticism about the body, a focus on (in particular) women's sexuality as a source of immorality, the increase in means for men to satisfy hetero-sexual desires, and, the reconstruction of patriarchal control over women and their sexuality.

At the heart - so to speak - of Muslim religious right groups is their concern with women (see Helie-Lucas 1995). Where logically one might expect a focus on the (gender neutral) five pillars of Islam - the profession of belief in Allah and the prophet, the five daily prayers, the annual month-long fast, the giving of a tenth of one's goods for charity each year, and the pilgrimage to Mecca - there is instead a preoccupation with women. It is women's dress and behaviour which is frequently made a symbol of new 'Islamic' orders from Iran to Sudan and now in Afghanistan. When women refuse to conform, by wearing other than the movements' prescribed dress code or continuing to go to work or to school, they are threatened and violent attacks made on them (see Benoune 1995, WLUML 1995, for instance). As a huge literature has pointed out with regard to nationalism also, women are made the repositories of culture, as opposed to participants and co-creators (see Yuval-Davis 1980). Thence interests in the control of women's reproductive powers and their influence in social transmission to children to ensure a proper next generation becomes stronger. And 'authentic' Muslim culture becomes the (re)invention of customs which lower women's autonomy - such as in Algeria empowering men to vote for their wives and daughters - while delegitimizing or ignoring all other practices. The objective is the increased domesticity of women, their identities and sexualities tamed into a restriction to women's "primary roles as wife and mother."

Asceticism (one hesitates to say "Puritanism") about the body, particularly for women, is another characteristic of religious right movements, where it is generally referred to as the requirement of 'modesty.' In Muslim religious right groups modesty is expressed through the imposition of dress codes - most particularly for women, though the Taliban in Afghanistan is requiring presently that men grow beards. Muslim women's dress codes are often misleadingly referred to generically as veiling or the hijab. This obscures both historical changes in modes of dress and cultural contexts - and thus the fact that people may be talking of quite different modes of dressing when they refer to increased veiling or women's hijab. The black loose cloak covering head to ankles known as the chador in Iran is not the same as the loose swathe of sometimes diaphanous cloth draped around the body called the tobe in Sudan. Both are unlike the headscarf and maiyafi (cloth covering head and shoulders) of

'modest' women in Nigeria. Nor are any of these identical with the headscarf (sometimes worn with jeans) that is acceptable in South Africa. All however signify a control of women's sexuality, indicating that women need to be covered in some way to prevent their exudation of sexuality. Increasingly Muslim right groups are taking the most restrictive dress codes, homogenising them and imposing them on varied Muslim communities. The Bashir regime in Sudan, for instance, attempted to impose the Iranian chador on Sudanese women in the early 1990s.

In addition to increasing restrictive dress codes 'modesty' is often also seen as requiring a denial of sensuality or openness in body care. The wearing of make-up, jewelry, or perfume is frowned at in many places. Hammans (even for single sex use) and massages, despite the long historical and cultural traditions of their use and enjoyment, are now not licit or at least questionable in Iran and Turkey. It has been suggested that this unwillingness to see or touch the unclothed body is resulting in unease in touching oneself and thence in lower standards of personal hygiene in Iran, particularly where households do not have private bathrooms (Homa Hoodfar - personal communication). It certainly has implications concerning the control of sexuality and the permissibility or not of open enjoyment of bodily sensations.

Muslim religious right groups focus on sexuality as a source of immorality. There is the commonly stated assumption that if unrelated women and men are together they must be engaging in (illicit) sexual acts. This unrestrained sexuality is dangerous to morality and social order. However, it is women's sexuality that is peculiarly responsible and culpable. It is women who must abide by restrictive dress codes that signify asexuality. It is women who must be segregated or secluded so as not to tempt men. Thus it is women's very presence that is so powerfully sexual that men's restraint falls. And, it is women who are most at fault in any situation suggesting possible 'immorality' because they should have avoided it. Thus this discourse both finds women's sexuality to be naturally and unconsciously powerful, and, simultaneously, blameworthy. Female sexuality must therefore be constrained, controlled and punished in Muslim religious right practices.

Thence, in Nigeria local state decrees penalise girls engaging in street hawking of goods, rather than the men who harass and molest them (Pittin 1991, Imam 1991). Thence too, in areas where the honor-shame complex is found, women are killed by fathers and brothers, sometimes on mere suspicion of having engaged in non-marital sex. However, neither female nor male relatives of the men who are suspected of immorality find it incumbent upon them to kill their sons

or brothers. 'Honor' killings of women are condoned by the communities in which they occur (in the Arab-speaking Middle East, for instance). Often enough 'honor' killings are also condoned by the state (for example, Iraq and Israel - see Al-Fanar 1995, WLUML Dossiers, Shirkat Gah Newsheets), who accept suspicion of immorality as a defense precluding murder charges. While, in Bangladesh, there has in the past few years been a surge of completely extra-legal decisions by village salishes or councils to stone and burn women they charge with immorality (see the award-winning documentary *Eclipse* made by Ain-o-Salish Kendra). Or, in Sudan since the 1990s, a woman can be legally stopped and questioned by any man who feels she is not wearing appropriate attire. Or she can be harassed, picked up and held by the police until her husband, father or brother arrives to guarantee her suitable dress in the future (Sudan Women and Law Project 1996).

This control of women's sexuality is particularly clear in the stances concerning women's fertility management. Most typically the whole range of practices which relate to managing fertility are removed from women's control to that of men and the state. This ranges from decisions over whether or when to have intercourse, to decisions over knowledge of and access to different types of contraception, to permissibility or not of pregnancy termination. Neither women nor men are expected to have intercourse before marriage - although, as mentioned above, the penalties for women are far more severe. However, as wives, women may never refuse to have sexual intercourse - it is their husbands who have the right to decide. Muslim religious right groups also frequently initially refuse any form of birth prevention (whether pregnancy prevention or abortion). This often ignores the fact that there are different positions on this permissibility within Sharia over fertility management. Even with abortion this often hinges on when the soul is infused into the foetus and hence at what stage of development abortion is permissible. Instead, the most restrictive formulations are postulated - a complete ban or the only defense that it is to save the mother's life. New restrictions may also be instituted in Sharia, such as that the woman must have been raped as well as in the first trimester of pregnancy (e.g. Sudan in the 1990s), before it is defensible to carry out an abortion. Attitudes to pregnancy avoidance can, nonetheless vary. In the early days of the Iranian revolution use of contraception was considered antithetical for good Muslims. Recently, however, the Iranian religious right (still in state power) have started to encourage family planning and list acceptable forms of contraception. Even so, in either case it is not women themselves who may judge and decide whether and how to manage their fertility.

Men's sexuality is also channeled, but in a way that gives them more control. The religious right discourse gives men more means and avenues of satisfying desires - if hetero-sexual. Polygyny frequently becomes an unbridled right of Muslim men - in some cases (like Nigeria) almost an obligation. The right to marry girl children is defended and promoted as men's right and the prevention of immorality. There is increasingly a lack of concern for the consent of the bride to marriage. Women's right to choice of marriage partner is increasingly whittled down or removed altogether, as in Sudan where there has been a shift from allowing women to make the choice to enabling her waliyi (guardian, always male) to enforce his choice on her. Mut'a (temporary marriage permitted in Shiite Sharia)¹⁰ is on the increase, including in Sunni communities where it was previously unknown or condemned as Shiite apostasy, such as Algeria and Sudan (WLUML 1995, Sudan Woman and Law Project 1996). The treatment of rape militates against women. It not only refuses categorically to recognise rape within marriage, but also poses such severe conditions (such as the eye witness testimony of four upright men) that a woman charging rape or pregnant as a result of rape may well find herself, rather than her rapist, punished on the grounds of 'self-confessed immorality' or 'unfounded charges' as has happened in Pakistan (see Shirkat Gah Newsheets).

In general terms, one might say that the Muslim religious right (like Christian and Hindu religious right groups - see WAF Journals, Chachhi 199?) have been reconstructing patriarchal control over women and their sexuality. The locus of control has been shifting from the patriarch proper (father as household or family head) with control over women and men of his household/family) to state control of women (and men), to state-sanctioned control of all women by all men (i.e. any individual man in street or house). Thus, any man may enforce his idea of women's appropriate dress on any woman he sees in Sudan. There is the use of salishes to condemn women for adultery or bigamy etc., in Bangladesh even when the act in question is done with her father's permission. There has been tacit state toleration of acid-throwing when a woman refuses intercourse with a man, even if that refusal was in the name of modesty and chastity in Algeria, or of women's abduction for being in public spaces

10. Some consider mut'a to enable women to exercise more rights and autonomy and expression of sexuality than standard marriage forms (see Haeri 1989). Others (Mir-Hosseini 1994) argue that it is women with social disabilities who are forced to accept such unions, and who would prefer standard marriages. I suggest that mut 'a could be either potentially autonomy-giving or less advantageous depending on the general social, economic and politic conditions of women as a group and as individuals. Where women have high status and autonomy then mut'a is a choice that may be advantageous and vice versa.

in Nigeria. There has been increasing violence against women who refuse to conform in Algeria, Sudan, Bangladesh and Afghanistan amongst others.

Finally, there is the issue of same-sex relations, about which there is still rather little literature or research. Muslim establishments converge with religious right groups in condemning 'unnatural deviations' (homosexual relations of men or women, transvestitism, transsexuals and so on). There seems always to have been a loud silence on women's same-sex relations. However, in many Muslim communities in the Middle East, in east coast Kenya or in Northern Nigeria for example, there has been a centuries long history of quiet toleration of male same-sex relations (including sexual intercourse and forms of cross dressing). The condemnations of these practices, often now explicitly including women's same-sex relations, have become increasingly strident. They are denounced as not only unnatural, but also anti-Islam and due to the corrupting influence of the West and/or feminism (which is itself viewed as a solely Western construct).

Specificities of Muslim Religious Right Discourses of Sexuality

However, the ideal of a boundary-less Umma is just that - an ideal. Despite the many commonalities of rhetoric there is a need to periodise and contextualise religious right discourses also, and not to assume that they are all the same. There are many links and the internationalising of the Muslim religious right (in political links, money circulation and donations, printed, audio and visual matter, scholarships) is an important topic not yet well researched (but see ROAPE 1991). Where and how the ideologies and programmes are decided, passed on and shared, what the links are between religious right groups in different communities are issues yet to be elucidated. Even so, how ideologies are reconstructed, transformed, influenced and construed in the practices of specific communities is extremely important. It does make a real and crucial difference if exhortations for women's modesty are couched in terms of men's lack of culpability in killing women on 'honor' grounds (Iraq) or relatively lightly in terms of wearing a headscarf outside one's home (South Africa). There is a substantive divergence in effects on women's and men's lives and sexuality between the religious right saying in one place that any form of contraception is anti-Islamic (immediate post-revolution Iran), and in another place or at another time that Allah has provided certain safe and legitimate means for spacing births (contemporary Iran).

Despite the commonalities and the similar rhetorical flourishes, Muslim religious right groups are not identical to each other. The appendix to this paper is a table of differing principles and claims of the religious right in different countries. It is incomplete, but it serves to illustrate the point. Nor are the contexts in which Muslim religious rights groups operate, the ideological-political state and content of hegemony in each community, or the arrangement and power of groups who are not part of the religious right, and/or non-Muslim groups all the same. In addition, it behooves us to remember that Muslim is not the only identity that groups (even religious right groups) may choose to inflect in particular circumstances. Other identities - post-colonial, ethnic or regional, professional, gender... - may be also drawn upon. In every community these and probably other issues have a recursive effect on discursive practices at ideological levels and in behaviours.

There is, furthermore, a need to look at the varying impacts of religious right discourse by social relations in communities. In Pakistan, for instance, the hudood ordinance affects mostly poorer women who have not the social and economic resources to avoid being entangled in it. Restrictions on formal sector work affect mostly middle class women (for instance in Algeria, Sudan, Nigeria). Segregation and seclusion, and the lack of work outside the home affects poorer women the most in Bangladesh and in Sudan, where women street food sellers are being picked up, harassed and fined. There are reports that female genital mutilation is on the increase in refugee camps, which affect the poor and displaced of both Somalia and Sudan.

Finally, women's and men's relations with religious right discourses of sexuality (or other) are likewise diverse. As mentioned 'modesty' may lead to a dislike of undressing or touching one's body. But dress codes may also be rejected even in the face of death threats as in Algeria and Sudan, or resisted in favour of a modesty of demeanour demanded from both women and men (northern Nigeria), or adopted for a whole parade of different rationales. These could include acceptance of the view that women's sexuality must be hidden and controlled, as a symbol of one's faith in minority communities, as a means of protection from harassment, as a means of asserting mobility outside one's home (i.e. achieving some freedom of movement), or fear of the consequences if it is not worn. Restrictive dress codes have also been adopted in ways which subvert any hope of making women socially invisible or diminishing their sexuality - there are women's magazines which advise on how to wear hijab in an attractive manner, as well as fashion parades and designer chadors in countries as varied as Egypt and Nigeria, at least.

Similarly, the adoption of seclusion or acceptance of segregation may be the expression of a view of sexuality as uncontrollable in the presence of non-related women and men. Or, it may also be a result of the renegotiation of the patriarchal bargain (see Kandiyoti 199?) so that men take the responsibility of household maintenance (Imam 1994), or because there is no option of work outside the home, or because of social pressure - or a mixture of all of these. Obviously each of these situations has different implications for sexuality. Conforming behaviour alone is not sufficient to establish conforming sexualities.

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Appendix:

Table of Various Practices/Claims of Religious Right in Different Countries

Iran	Sudan
Religious right in state power	Religious right in state power
legal imposition of dress code	legal imposition of dress code but won battle ref tobe. However non-compliance is grounds for sack or lack of promotion
Iranian women may not marry non-Iranian men Rafsanjani now talking of more open relations between women and men	(1994 revival of 1959 law) Sudanese men students abroad may not marry non-Sudanese women (unless Egyptian) without diplomatic permission
cannot give self in marriage	rejection of Hanafi law that woman can give self in marriage in favour of Maliki where it is more difficult
women first eliminated from urban work outside home (especially formal sector). Gradual return in some areas	women being eliminated from urban work (especially public sector, and in judicial system)
contraceptive use/abortion unIslamic first-now regarded as permissible. Both positions with fatwas to support	abortion legal only if in first trimester and woman was raped
mut'a on increase polygyny on increase	mut'a introduced 1990s 'house of obedience' legalised 1992
first women's sports discouraged - now females do sports covered up and swimming not televised or open to men spectators	girls not encouraged to do sports. dancing now increasingly considered as not licit

Nigeria	Bangladesh	Pakistan
Religious right not in power, but increasingly vocal and influential	Religious right not in state power, but very vocal and influential	Religious right not in power, but access to influence on state
social imposition of dress code - but affects also non-Muslim women in multi-religious state		women-Islamic dress but men national dress
in principle women should not marry non-Muslim men but is done and accepted		
both women and men have waliyi -often consent sought but father has right to compel virgins		
increasing pressure for dress code, calls for gender segregated work, failed attempt to ban women from civil service	attacks on ngos working on issues of women's economic autonomy (tree-planting now unIslamic') or education	
abortion - defense that mother's life threatened dislike of contraceptive use - coitus interruptus and safe period OK	development of extrajudicial practices of salishes accusing women of adultery, bigamy	Jamaati-Islami resolve that family planning unIslamic. abortion illegal (10 years)
stress on men's right to polygyny and to child brides		hudood ordinance not distinguish non-marital sex from rape. evidence rules favour men, but punishment is same
		music + dance banned in girls' schools during the Zia period.

Extracts from:

Women in the Discourse of Crisis

Dr. Nasr Abu-Zeid

Editors note:

The work of Prof. Nasr Abu-Zeid has been subject of concerted attack by fundamentalist groups in Egypt. He is currently in exile following charges of apostacy brought against him and the ruling of the Apex court in Egypt ordering his divorce from his wife Dr. Ithal Younis.

Following abstracts from the book "Women in the Discourse of Crisis" by Prof. Nasr Abu-Zeid have been translated from Arabic by Marlene Tadros.

The discourse over women in the Arab world is generally discriminatory. It is a discourse that places women in comparative relationships with the men. When a relationship between two parties is identified this way, then it means that one party succumbs to the other and obeys him. It is natural that the party that believes it is strong produces a racial discriminatory discourse. This is not the case with the religious discourse alone, but is also part of the current Arab discourse that is dominant in both culture and media. It is also not difficult to find in the discourse of "equality" and "participation" an undertone of superiority that emanates basically from the discourse which places males in the centre. When woman is equal to man, and when she is allowed to participate, she is merely participating with the man. But in all cases, the man becomes the centre of everything. The matter seems to be incontrovertible. And in some human societies, a woman's social, cultural, and political activities are marginal and without meaning if a man is not involved as well.

Contemporary Arab discourse has its roots in language itself. It is a language that insists on differentiating between Arab names and foreign names with a sign that is called al-tanween. This is a sign that is put at the end of Arab names only when they are pronounced and not when they are written. One can therefore say Mohamadon or Aleyon. But this sign is not attached to non-Arab names like Bush or Abraham. We should also note that the term Aagam or Aagem (non-Arab or barbarian) refers to non-Arabs - the term is usually used for animals. This is a categoriza-

tion that gives Arabs a superior status. It also gives their language the place of "the" language, as though any other language is not important, and that those who speak another language are like animals that cannot express themselves.

This linguistic discrimination between Arabs and non-Arabs on the basis of language and its meaning breeds another discrimination between males and females in Arab names. Female Arab names are also considered to be less important. In addition to the female "t" used to differentiate between males and females, the tanween is absent from female names just as it is absent from foreign names. There is therefore a linguistic racial discrimination not only against the "other" but also against females of the same race. This is noticeable in all existing contemporary discourse, in which women are treated as minorities since they are required to be under the "protection" and the "authority" of men.

The linguistic discrimination is widespread. All nouns in the language are either male or female and there is no neuter in the Arabic language, like there are in other languages such as German, for example. Language professors differentiate between the true female word and the figurative female word, but this discrimination does not mean that the figurative female is exempt from succumbing to all the mechanisms of categorization to which she actually does succumb. On the other hand, we do not find a difference between the "true" male and the figurative male which reveals that there is a preconception that males are active, while females are inactive. Based on this assumption, the plural is treated as a male plural even if it is about a group of women, on the condition that one single male is present among that group of women. This means that one man's presence is more important than the presence of a whole group of women. It is therefore called the male plural and not the female plural.

If we were to say that this does not concern the Arabic language alone and that it concerns many other languages on earth, this does not disprove its significance. Instead, it shows how widespread it is in human consciousness in general. If that is the case on the linguistic level, it is not always the case in the consciousness of groups throughout history. In some contemporary societies that speak English, for example, there is a growing consciousness of the ideology of language and the danger of succumbing to it. There are, for example, some attempts to change the language and replace it with a different consciousness, for example, when people try not to overuse "he" by using he or she alternately. People also avoid using the male or female to describe certain positions where we no longer say chairman but chairperson and spokesman but spokesperson. This new consciousness is absent from Arabic discourse and this is what concerns us here.

If language treats women from a racial and ethnic perspective that

equals them to aagem, then it also reflects the level of consciousness of the people who created this language. Although consciousness does not develop in isolation of the language and language does not develop in isolation of those who speak it, every type of consciousness has its independent history and distinct path. Sometimes the two clash, which can lead to crucial changes in the structure of the language. This might sometimes lead to a victory of the traditional consciousness over the new consciousness. In the history of the Arabic language, which represents the history of the people who speak it, there is a distinct consciousness represented in the Quran, which addresses women as it addresses men. Addressing women has been performed in an indirect manner through addressing men; but the Quran is not so. In this context, we have to dismiss some of the illusions that people have concerning the inferiority of women's status in Quranic discourse based on the fact that a woman's inheritance is half that of the man's. The real criteria for evaluation has to be the status of women and their position in the society before the Quran, not just a comparison between Quranic discourse and our legitimate wishful thinking concerning a woman's status. Based on this criteria, addressing women independently from men in Quranic discourse is a new form of consciousness that is unprecedented except in some insignificant poems.

But this consciousness in Quranic discourse has entered into conflict with a consciousness already present in the language, and this is through a complex conflict on the ground of politics first and then on the level of religious thinking and the entire Arab culture after that. As much as the conflict has leaned towards the new consciousness, women's status has developed, and as much as the balance has leaned towards traditional consciousness and what it represents in terms of enclosed tribal values, women's status has changed from group to group and from state to state in the Islamic Empire. The status of women in Andalusian society was worthy of praise, so much that women had the right to stipulate that her husband would not marry another. None of the scholars at the time said that those conditions conflicted with the principle of superiority which became the norm in later eras.

In eras of backwardness and retardation, women are hidden, and they are seen as lacking intelligence and religion. The idea that women are not to be made love to during menstruation has evolved into avoiding speaking with her and eating with her, which goes back to mythical taboos. The story of Adam's departure from paradise is rehashed in the Old Testament version, where Eve is tantamount to a snake and Satan. A discourse is created even in the film industry, where movies are called, *The Devil is A Woman*. Woman is transformed into a lust-inciting creature that provokes temptation. The only solution becomes burying women alive as the bedouin Arabs in the Jahiliya (pre-Islamic period) did, but ins-

thead the modern reaction is to bury a live woman inside a black dress with two holes for eyes!

Following military defeat in 1967, Arabs increasingly felt a sense of shame. To compensate for his impotence, he resorted in escaping to the past, to his original identity, to the illusion of manhood. In politics, there was a move against unity, and on the social level, sectarianism instead of nationalism began to blossom. Religion substituted nation, history and geography.

Only fragmentation, sectarianism and religion were left. When the three are together they only breed terrorism that finds expression through the self: it is violence and terrorism on all levels: Muslim against the Christian, Christian against Muslim, Sunni against Shia'a and vice versa. In this environment charged with violence and terrorism, man turns against women: does he further need a partner to compete with him or something to defend or die for and protect? Let women go to hell. Let them stay at home, serve their husbands, sweep the floors and raise the kids to avoid all headaches.

Are we confronting religious discourse? It is wrong to say that. We are facing a backwardness that might use the language of religion or the language of politics or sociology or economics. But it is not merely a discourse of backwardness. It is also a terrorist aggressive discourse against women, not only through harassment and rape, but also through sentences such as those found in Mostafa Mahmoud's article in *Al Ahram* 18/2/92, where he said: "These days, we hear rebellious calls by our sweeter halves - women - most of whom are wives of wealthy men, who demand to go out to work and leave their children in the street. Each one shouts to her husband that she wants to 'find her identity' and that she is equal to him. This sort of logic puzzles me: what kind of identity will a woman find as a secretary to so and so or a sewage engineer or bank teller or supermarket vendor. There is a lost identity in all those jobs. Achieving identity is merely words fit for novels."

We notice here that the author begins with his point of view, which says that women must not go out to work except to fulfil their economic needs. This prescribes that males are wealthy, which makes it illogical for women to want to achieve. Mostafa Mahmoud therefore makes women going out to work a matter that enters into the field of the prohibited - something that is allowable only when necessary. Note how Mostafa Mahmoud is surprised that the women who want to go out are wives of wealthy men, and how, tragically they throw their kids in the street although they are wealthy and of course could bring in maids. But he does not say this - instead he says they throw them in the street. Look how Mostafa Mahmoud's discourse changes to the melodramatic when he says "she shouts in the face of her husband, wanting to be equal to

him". If we assume this scenario is true, then what sort of man is this whose wife has to shout that sort of sentence to him? Undoubtedly it is the husband who thinks he has bought his wife with his money, a husband who treats her like he treats the most trivial things. Undoubtedly, a wife who speaks to her husband in this manner is responding to inhumane treatment. We suspect that Mostafa Mahmoud listened to some of the complaints of his wealthy friends concerning the rebellion of their wives so he simply wrote an article about it. That is why his discourse resorts to debasing women's work through naming some jobs that he despises such as secretary, sewage engineer (note the mechanism of debasement) and so on. He then refers to his previous assertions and concludes that all these desires are bad. He therefore moves from sarcasm to debasement to social injury.

Sarcasm to him is a manner of debasement, which leads to wounding that is not different from physical violence in the street.

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(A chapter from his book with the same name, translated by Dr. Marlyn Tadros.)

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Stretching The Limits:

A Feminist Reading of the Shari'a in Post-Khomeini Iran

Ziba Mir-Hosseini

Women's issues are now an integral part of modern Islamic discourses, as evidenced in the plethora of 'Women in Islam' titles in religious publishing projects all over the Muslim world.¹ In practice, this has entailed re-readings of the old texts in search of solutions - or more precisely, Islamic alternatives - for a very modern problem, which has to do with the changed status of women and the need to accommodate their aspirations for equality and to define and control their increasing participation in the politics of the Muslim world. Despite their variety and diverse cultural origins, what these re-readings have in common is an oppositional stance and a defensive or apologetic tone. Oppositional, because their agenda is to resist the advance of 'Western' values and lifestyles which were espoused by states and adopted by secular elites earlier this century. Apologetic, because they are attempting to explain the gender biases which are inadvertently revealed by going back to the Shari'a texts.

A question that arises is whether these solutions can be 'feminist', in the sense of representing women's perspectives as well as redressing their oppression at work, in the home, and in society. In other words, to what extent and by what means can limitations imposed on women by Shari'a texts be renegotiated? In this paper I argue that a 'feminist' re-reading of the Shari'a is possible - even becomes inevitable - when Islam is no longer part of the oppositional discourse in national politics. This is so because once the custodians of the Shari'a are in power, they have to deal with the contradictory aims set by their own agenda and discourse, which are

1. I make a distinction between the Sharia-based writings on women, whose writers are mostly Muslim/Islamist men and with which I am concerned here, and the feminist writings on Muslim women, whose writers are mostly Muslim/feminist women who locate their feminism in Islam. For examples of the first type, see B. Stowasser, "Women's issues in Modern Islamic Thought," in J.E. Tucker (ed), *Arab Women: Old Boundaries, New Frontiers* (Bloomington: Indiana University Press, 1993); and for recent examples of the second, see L. Ahmed, *Women and Gender in Islam: The Roots of a Modern Debate* (New Haven: Yale University Press, 1992), F. Mernissi, *Women and Islam: An Historical and Theological Enquiry* (Oxford: Blackwell, 1991).

to uphold the family and restore women to their 'true and high' status in Islam, and at the same time to uphold men's Shari'a prerogatives. The resulting tension - which is an inherent element in the practice of the Shari'a itself, but is intensified by its identification with a modern state - opens room for novel interpretations of the Shari'a rules on a scale that has no precedent in the history of Islamic law.²

Iran is a case in point. Now fifteen years into an Islamic Republic, there are clear signs of the emergence of a feminist re-reading of the Shari'a texts. This is manifest in two opposing currents. The first reflects the official Shi'a discourse adopted by the Islamic Republic, and is most evident in the 1992 Divorce Amendments. These amendments represent a radical, and if you like feminist, interpretation of Shari'a divorce provisions. They not only curtail men's right to repudiation, talaq, but place a monetary value on women's housework and entitle them to *ujrat al-mithl*, 'domestic wages,' for the work they have done during marriage. The second current reflects the recent non-establishment Shi'a discourse and is most manifest in legal articles published in *Zanan*, a women's magazine launched in February 1992. These put forward a novel interpretation of Shari'a provisions on women; they neither cover up nor rationalize the gender inequalities that are embedded in many aspects of the Shari'a, but propose to recast them within the limits of the Shari'a. Both currents, in their different ways, can pave the way for an unprecedented reinterpretation of the Shari'a rules which is indeed gender sensitive, if not 'feminist' in the Western sense.

By tracing the evolution of the Shari'a-based discourses in Iran, I aim to show how and why such 'feminist' re-readings of the old texts have come about. The paper is divided into two main parts. The first part is an attempt to place the contemporary Shi'a discourses, as they emerged in the last decades before the revolution, in their proper context. Such contextualization is in order because they continue to be read in an essentialist and anachronistic way. The second part first explores their impact on other post-revolutionary discourses on women and then examines the emergence of a 'feminist' discourse as articulated in legal sections of *Zanan*.

Pre-revolutionary Shari'a Discourses on Women

With the establishment of an Islamic Republic in Iran came a wave of popular and scholarly Western publications on Shi'ism. Two topics have predominated: Shi'ism as a religion of protest, and Shi'a attitudes to

2. See Z. Mir-Hosseini, "Divorce, Veiling and Feminism in Post-Khomeini Iran," in H. Afshar (ed), *Women and Politics in the Third World* (London: Routledge 1996).

women. While the first is a scholarly response to the Revolution,³ which caught students of Islam and Iran by surprise, the second is motivated by a feminist concern to safeguard women's rights in an Islamic Republic.⁴ Two events early in the revolution validated such a concern. The first was the dismantling of the Family Protection Law, which had come into effect in 1967 and had restricted polygamy and made divorce easier for women; and the second was the imposition of Islamic dress (coat and head-scarf).

It was in such a climate that a large portion of the literature on Shi'a attitude to women was produced. Attention was focused on two writers, Dr 'Ali Shari'ati and Ayatollah Mortaza Motahhari: they were not only the most prominent contemporary Islamic thinkers (in Iran) whose writings dealt with women's issues, but both men were dead, which gave their views an aura of immutability. Their writings soon came to shape the contours of the contemporary Shi'a discourses on women, in short, they became 'texts'. In this way not only were they decontextualized but they were read and examined anachronistically, that is in the light of events in the early years of the Revolution. In focusing on their gender assumptions, the literature on both texts tends to trivialize the specific circumstances which gave rise to each.⁵

In what follows my aim is not to offer a critique of this literature, nor of the two texts themselves, rather it is to describe the circumstances in which the texts were produced. First it should be noted that both texts were written in the context of gender debates and legal reforms of the late Pahlavi era.

3. For example, see J.R.I. Cole and N.R. Keddie (eds), *Shi'ism and Social Protest* (New Haven: Yale University Press, 1986); B. Lewis, "The Shi'a," *New York Review of Books*, Vol 32, pp. 7-10.

4 For example, see G. Nashat (ed), *Women and Revolution in Iran* (Boulder: Westview Press, 1983); F. Azari (ed), *Women of Iran* (London: Ithaca Press, 1983), A. Tabari and N. Yeganeh (eds.), *In the Shadow of Islam*, (London : Zed Press, 1982); K. Millet, *Going to Iran* (New York: Coward, McCann & Geochegan, 1982).

5. Both texts are treated extensively in the literature on women in post-revolutionary Iran. For example, A.K. Ferdows, "The Status and Rights of Women in Ithna 'Ashari Shi'i Islam," in A. Fathi, (ed), *Women and the Family in Iran* (Leiden: E.J. Brill, 1985); M.K. Hermansen, "Fatimeh as a Role Model in the Works of Ali Shar'iati," in G. Nashat (ed.), *Women and Revolution*; G. Nashat, "Women in the Ideology of the Islamic Republic," in G. Nashat, *Women and Revolution*; S. Mahdavi, "The Position of Women in Shi'a Iran: Views of the Ulama," in E. Fernea (ed), *Women and the Family in the Middle East: New Voices of Change* (Austin: University of Texas Press, 1985); Tabari and Yeganeh, *In the Shadow of Islam*; N. Yeganeh and N.R. Keddie, "Sexuality and Shi'i Social Protest in Iran," in Cole and Keddie, *Shi'ism and Social Protest*. With the exception of the latter, the rest deal with the gender premises of both texts.

'Ali Shari'ati's text: Fatima is Fatima

'Ali Shari'ati was a lay Islamic thinker who enjoyed enormous popularity in the Iran of the 1970s. He came from a clerical family, read sociology at the University of Paris and became a vocal critic of the Pahlavis. Upon his return to Iran in 1964, he was imprisoned for his anti-regime activities but he was released after six months and became Professor of Sociology in Mashhad University. However, he was soon dismissed and continued to be persecuted. In 1977, shortly after his latest release, he died in England where he had gone for medical treatment. His ideas formed the intellectual backbone of a modern Shi'a opposition to the Pahlavi regime and its blind Westernization. He used his public lectures in the Hosseinieh Ershad, a celebrated religious institution, to air his views.⁶

His seminal text on women has its origin in one of these lectures, delivered in April 1971. The text of this lecture was later published in an extended form as *Fatemeh Fatemeh ast* (Fatima is Fatima), which came to be regarded as an Islamist treatise on women, though it can best be read as a critique of Iranian society and its values in the early 1970s, rather than a treatise on women in Islam. Its rhetorical style and revolutionary tone arouse emotions without ever entering on any kind of serious examination of women in the Shari'a. In fact its preface reveals the extent to which Shari'ati improvised during the lecture.

"I first wanted to talk about Professor Louis Massignon's research on the complex life of Fatima, especially its impact on Muslim societies... But when I entered the room and saw many others in addition to my own students, I realized that the gathering called for a more urgent topic. So I decided to provide an answer to this 'destined question' which today intensely occupies our society. Women who endure their traditional mold have no problem, and women who accept their new imported mold have the problem solved for them. In between these two types of 'molded' women, there are those women who can neither tolerate the inherited mold nor can surrender to the imposed new one; what should they do? These women want to choose for themselves, want to 'make' themselves; they need a 'model', an 'ideal type'. For them the question is 'how to become'. Fatima by 'being' herself is the answer to this question."⁷

The text, which could be divided into two parts, sets out to answer this question. In the first part (pp 1-90), Shari'ati defines the 'women's question' and the dilemmas that Muslim women are facing in this century. He is critical of both those Muslim women who unquestioningly

6. For a bibliographical sketch and a sample of his lectures in English, see A. Shari'ati, *On the Sociology of Islam*, translated by H. Algar (Berkeley: Mizan Press, 1979).

7. A. Shari'ati, *Fatemeh Fatemeh ast* (Tehran: Shabdiz Press, 1978), pp. i-ii. His other text, based on another lecture *The Expectation of the Present Era from the Muslim Woman* (Tehran: n.d.), expresses similar views.

accept their 'traditional' role, and those modern, westernized women who, by aping the West, are becoming mindless consumers. He sees the latter as a new addition to the human species: "a creature who shops",⁸ for which he blames the colonial policies of the West. Having understood women's pivotal role in maintaining the fabric of Islamic societies, the West set out to alienate them from Islam so that Muslims could be dominated. But Muslim men and the narrow-minded clergy, who continued to misrepresent Islam, are equally to blame: they also conspired to deny Muslim women their truly Islamic rights. By being denied their humanity, educated women were left with little option but to look to the West for an alternative.

In the second part (pp 91-189), Shari'ati discusses the solution, which is to be found in the person of Fatima, the Prophet's daughter, 'Ali's wife, and mother of Hassan and Hossein. The picture that he draws of Fatima's life is romanticized but rather gloomy. More than offering a clear and tangible model to be emulated, it epitomizes the Shi'a ideal of silent suffering and covert defiance. As he has it, Fatima died of grief at the injustice that followed her father's death, in which 'Ali was denied his right to the Caliphate, at having her inherited land (fadak) taken away from her, and at the failure of her attempts to enlist support for 'Ali's claim.

The text ends without providing a coherent answer to the crucial question that Shari'ati considered was facing Iranian women of the 1970s. In fact the question is often by-passed; out of 189 pages, less than ten deal directly with the question of women in Islam. Even in these pages Shari'ati neither elaborates on women's position in the Shari'a, nor does he engage with the proponents of the Shari'a discourse on women. Instead he uses the occasion to elaborate on his own interpretation of Shi'a history, to condemn those in power for distorting it, to denounce Iranian society as one of pseudo-Muslims, whose ways have little resemblance to true Islam, to blame the clergy and intellectuals alike for not enlightening people on true Islam. Although he is critical of narrow interpretations of Koranic rules, he remains imprecise and evasive. On the other hand, he is both explicit and direct when he criticizes the secularizing policies of the Pahlavis.

In short, what he had to say on 'women in Islam' was vague, contradictory and at best inconclusive. He did not offer a concrete solution but a romanticized revolutionary vision, which was soon eclipsed with the establishment of the Islamic Republic.

8. A Shari'ati, *Fateme* Fateme ast, p.88.

Mortaza Motahhari's text: The System of Women's Rights in Islam

The thinker whose writings on women survived into the post-revolutionary era, and became identified with the view of the Islamic Republic, was a clergyman, Ayatollah Mortaza Motahhari. Motahhari was both a theologian and an academic, teaching both at religious schools in Qom and at secular universities in Tehran. He became a member of the Revolutionary Council in February 1979, but was assassinated in May of that year. Motahhari was one of the few Shi'a clergy to have written lucidly and extensively on the issue of women's rights in Islam, and the only one who has entered a debate with secular thinkers on the issue.

The debate, which was conducted in a glossy women's magazine, *Zan-e Ruz*, was predicted on the enactment of the Family Protection Law in 1967, which introduced radical changes in divorce provisions. In 1966 *Zan-e Ruz* was airing the views of those who were arguing for changing the family provisions of the Iranian Civil Code, which reflected the dominant opinions within Shi'a fiqh. The most prominent among the reformers was a secular judge, Mahdavi Zanjani, who had prepared a 40-article proposal to replace some of the articles of Book Seven of the Code, which deals with marriage and divorce. This had alarmed the religious authorities, and Motahhari was approached by a leading Tehran clergyman to prepare a response in defense of the code. Motahhari agreed to do so, provided that his replies were printed intact. His condition was accepted and *Zan-e Ruz*, as a good-will gesture, even printed his original letter which contained his proviso. Motahhari's first reply appeared in November 1966 as a direct response to the first of the 40 articles proposed by Judge Mahdavi. Although the sudden death of Mahdavi meant that the debate ended after six issues, Motahhari continued his discussion, which by then had attracted a large readership, for another 27 issues. In 1974, he compiled these articles into a book, *The System of Women's Rights in Islam*.⁹

The book is divided into 15 sections, each dealing with a cluster of rights and obligations arising from marriage. It starts with marriage proposal and engagement, the subject-matter of the first articles of Book Seven of the Civil Code, which was also the starting-point of Judge Mahdavi's 40-article proposal. In the following chapters, Motahhari deals with temporary marriage, women and social independence, Islam and modernity, women's human status according to the Koran, the natural basis of family laws, differences between men and women, mahr and maintenance, the question of inheritance, the right to divorce, and polygyny. In each section, Motahhari is selective in choosing his facts and sources, especially when he invokes western scholarship to justify the necessity for the different treatment of women in Islam.

9. M. Motahhari, *The Rights of Women in Islam* (Tehran: World Organization for Islamic Services 1981), pp. xxxvii-xl.

Evidently, Motahhari's text cannot be separated from the debates and legal reforms of the Pahlavi era; it was written to offset the harsh criticisms of the Shari'a position on women, embodied in Book Seven of the Iranian Civil Code. To defend the Shari'a, Motahhari not only painted a rosy picture of its treatment of women but glorified gender inequality by arguing that it is in harmony with the law of nature. He dismissed equal rights for men and women as a Western concept and alien to the Islamic world-view. He argued that, if properly understood, the Shari'a laws are the very essence of divine justice, as they embody God's design for men, women and society. While he admitted injustices done in the name of the Shari'a - the plight of divorced and abandoned women was widely highlighted by *Zan-e Ruz* - he blamed this state of affairs on un-Islamic society and men who abandoned Islam. In so doing, he not only detached the Shari'a from social reality but also left little room for debate and changes in line with the demands of the time.

Post-Revolutionary Discourses

With the triumph of the Islamists early in the Revolution, Shari'ati's text with its idealistic and vaguely reformist vision soon faded into obscurity, while Motahhari's text with its legalistic approach became the Islamic Republic's official discourse on women. In 1981, his book was translated into English, and by 1989 it had been reprinted in Persian over 15 times. His arguments are the most eloquent and refined among those which hold the concept of gender equality to be contrary to Shari'a. They were successfully invoked to stifle any opposition to the dismantling of the Family Protection Law in the early years of the Revolution, and later to validate the gender policies of the Islamic Republic.¹⁰

For over a decade, Motahhari's text remained uncontested, at least at the public and official level. The larger part of the vast post-revolutionary literature, especially that produced by the Islamic Propaganda Organization, not only embodies his position but simply reproduces his arguments verbatim. However, this hegemony is now losing ground to a different discourse which, although located in the Shari'a, argues for gender equality in all fronts.

The new discourse combines the legalistic style and tone of Motahhari with Shari'ati's egalitarian vision, but it differs from them both in two fundamental ways. First, it no longer defines itself in opposition to the West, but in opposition to patriarchal interpretations of the Shari'a. Secondly, it challenges the hegemony of the orthodox interpretative process, paving the way for tackling the 'women's question' from an entirely novel perspective within the fiqh.

10. For the dismantling of Family Protection Law and its post-revolutionary counterpart, see Z. Mir-Hosseini, *Marriage on Trial: A Study of Islamic Family Law* (London: I.B. Tauris, 1993).

As far as context and medium of expression are concerned, there are two striking parallels between this discourse and that developed by Motahhari. Both were grounded in debates generated by state initiatives in changing the divorce laws; and in both cases a women's magazine became the forum for their articulation and development. Let me elaborate.

In December 1992, more than a decade after dismantling the Family Protection Law (FPL), which curtailed men's right to divorce and polygamy, the Majlis (Parliament) ratified a law with similar goals. The new law, entitled Amendments to Divorce Law, outlaws registration of all divorces without a court certificate called Impossibility of Reconciliation - incidentally the same name as that required by FPL. A divorce can now be effected and registered only when the husband pays his wife, in cash, all her dues (mahr, past nafaqa and maintenance 'iddat) unless it is of khul' type, i.e. when she foregoes all her dues in return for her release. These amendments also require that every divorcing couple go through the process of arbitration; and allow the appointment of women judges as advisers to the main judge. More importantly, they enable the court to place a monetary value on women's housework and entitle her to *ujrat al mithl* (literally wages in kind) for the work she has done during marriage, provided that divorce is not initiated by her or is not caused by any fault of hers. All these amount not only to the resurrection of the pre-revolutionary law of divorce, but to taking them a step further - in short a complete U-turn.

But this U-turn proved to be neither smooth nor complete. It caused a rift between two of the highest law-making bodies. The first draft of these amendments passed by Majlis in March 1991 was twice rejected by the Council of Guardians, whose task is to ensure that all laws passed are in line with the Shari'a. The Council objected to the concept of *ujrat al-mithl*, as formulated by the Majlis. The dispute between these two bodies was not resolved until November 1992, and then only through the intervention of the highest constitutional authority.¹¹ In December 1992, the new law came into effect, but it soon became evident that, rather than protecting women against an undesired divorce, by requiring all cases to go through arbitration they are creating problems not only for the court but for those couples who have reached mutual consent.¹²

All this suggests that debates over women's position in law, which were so harshly stifled early in the Revolution, are resurfacing. Interestingly, they centre on divorce provisions, as these have once again

11. The Assembly for Ascertaining the Regime's Interest (Majma'-e Tashkhis-e Maslehat-e Nezam).

12. For an extended discussion of these changes in law, see Mir-Hosseini, "Divorce, Veiling, and Feminism in Post-Khomeini Iran".

come to embody the essence of the injustices to which women are subjected in law. But this time, debates are conducted in an Islamic Republic, whose claim to uphold the Shari'a makes it directly responsible for such injustices. It is in this context that the journal Zanan makes its first appearance, opening a new chapter in an old debate. The magazine itself is the fruit of the Revolution, an outgrowth of 'Islam is power' for over a decade. Its editor and founder, Shahla Sherkat, was among those who helped to Islamize Zan-e Ruz, the glossy pre-revolutionary women's magazine which featured Motahhari's articles in the 1960s. She was invited to join Zan-e Ruz in 1982 and remained its chief editor until 1991, when she was dismissed because of unresolved disagreements over the ways in which gender issues were being addressed. Seven months later, in February 1992, the first Number of Zanan appeared, coinciding with the 13th anniversary of the revolution. Referring to a decade of fighting against the centuries-old oppression of women in Iran, and hinting at obstacles faced, Sherkat writes:

"We believe that the key to the solution of women's problems lies in four realms: religion, culture, law and education. If the way is paved in these four principal domains then we can be hopeful of women's development and society's advancement."¹³

At the end of Autumn 1994, 19 Numbers of Zanan have appeared. With a few exceptions, every issue contains articles classified under 'Law/Rights' (hoquq), where aspects of gender inequality in the Shari'a are discussed and new interpretations are attempted. So far, the following three themes have been addressed: women in family law (Zanan 1, 2, 9, 18, 19); women as judges, arbitrators, and mojtaheds (Zanan 4, 5, 6, 7, 8, 17); women in penal law (qissas) (Zanan 11, 13, 14, 15, 16).

It is in these articles that one can find the contours of a different Shi'a discourse. In what follows I attempt to convey something of the evolution of ideas and interpretations of the sacred texts in these articles, especially the ways in which Zanan manages to reinterpret them to accommodate women's aspiration for equality and to introduce notions such as the legitimacy of women's choices and their demands for equal treatment at home and in society.

The Beginning: a Hesitant Voice

Legal sections of the first three Numbers, written by lay women, are similar to Shari'ati's writings, where the mode of argumentation is more sociological than legal. Like him, the authors shy away from engaging with fiqh sources, instead they focus on Civil Code provisions and hold

13. Zanan 1 (Feb. 1370/1992), 2.

them responsible for making women subordinate in marriage. In support of their position, which is that of partnership in marriage, they resort to the Koran and appeal to its patent message of equality and justice. The end result is that the authors do not challenge on their own grounds fiqh concepts such as tamkin (women's duty to submit to her husband's will) and nushuz (her refusal to submit, rebellion), which legitimate women's subordination in marriage, but instead they add two qualifiers. First, tamkin as it is interpreted by the Civil Code is faulty, "in a mutual human relationship, shaped by modes and characters of those involved, one cannot consider the woman as a (sexual) object ready to be manipulated and used." Secondly, tamkin and nushuz must be reciprocal, that is it is necessary to take into consideration women's sexual needs and to subject men's defiance of their duties to legal sanctions.

To illustrate the tone and mode of argumentation in these articles, let us take a closer look at two of them, representing Zanan's earlier stance. The first article, co-authored by Shokufeh Shekari and Sahereh Labriz, is entitled "Tamkin" and opens with the text of Article 1105 of the Civil Code, stating: headship of the family is among men's attributes (khasa'es). The authors note that this article raises a number of critical questions for women in our society. For instance, "According to what logic and on what grounds is the man head of the family? Does such a headship imply his absolute rule? Does the mandate of tamkin in conjugal life equally apply to men? If not, why not? Should woman be beaten, if she is unwilling or is not ready - psychologically and physically - to fulfill her husband's (sexual) wishes?"

In search of answers, the authors go through a wide body of legal opinions in Shi'a fiqh and in legal text-books in which Civil Code articles are expounded on. Although overtly critical of the Code, they remain hesitant to challenge its gender premise and other assumptions which are all derived from the Shi'a fiqh. Instead they tend to reinterpret them in a more liberal light, to play them against each other, or against other articles of the Civil Code. For instance, as regards men's headship, they write:

"this headship does not imply that a man has an absolute and despotic rule in the family according to which the wife is required to slavishly follow him; but it entails a certain authority defined by law and custom. A woman is not her husband's mere subordinate but his partner, companion and aide."

Likewise, as regards tamkin, the authors cite a passage from Ayatollah Khomeini's treatise in which tamkin is limited to a woman's submission to her husband's sexual demands. To this the authors add a modifier: "the emphasis placed on meeting the husband's sexual demands should not be taken as his wife's ever-readiness for sexual intercourse." Without questioning the prime assumption of the passage, which, in line with the fiqh position, sees sexual submission as a woman's duty in marriage, they

make two deductions from it. First, in the non-sexual aspects of marital duties - which they term 'ordinary duties' - a woman is not required to obey her husband and can even demand wages for what she does in the house. Secondly, whereas in fiqh, nushuz (rebellion, non-fulfillment of marital duties) pertains to the conduct of both spouses in marriage, in the Civil Code, it merely pertains to the wife's. When a man neglects his marital duties, there is no legal recourse open to his wife apart from asking for a divorce. "Such a solution is not befitting of an Islamic state, given the degree to which Islam abhors divorce." ¹⁴

The second article, entitled "Man, Partner or Boss?", places the question of headship and power relations in the family in an evolutionary framework. Drawing on anthropological theories of the evolution of societies from matriarchy to patriarchy, the authors note that "in the Islamic world view we encounter a new anthropology and a fresh perspective in which men and women are declared equal before God, and that they are created from the same substance in order to console, to complete and to fulfill each other." Referring to Verse 13 of Sura Hujurat (see below), they contend that "this verse on its own suffices to convince us that, despite other existing evidence, Islam is not a sexist and racist school of thought."

This becomes a prelude to defying the conventional understanding of other verses, notably Verse 34 of Sura Nisa (see below), which the authors believe is mistakenly invoked to perpetuate the belief that "in essence, in attributes and in conception, men are superior to women; this is so deep-rooted that even some women came to believe that they are defective, naqis." The reader is reminded that such beliefs have little to do with Islam but are products of historical processes that not only pre-date Islam but gained momentum after the Prophet's death due to socio-political realities of the time. Today there are other realities: women are now highly educated and skilled, they actively participate in society at large - even take part in wars. There is now more than ever an acute need to redefine their Shari'a rights. The authors end their discussion by demanding total equality in marriage: "in our view, in a healthy relationship there is no need to have a superordinate and subordinate;" and "in many cases women are more to be trusted which the headship of the family." ¹⁵

Gaining Legitimacy: a Fiqh Voice

With Zanan 4, not only is there a discernible shift in tone, style and mode of argumentation but the focus changes from gender biases in the Civil Code to those introduced soon after the revolution. Articles in five

14. Zanan 1 (Feb. 1370/1992), 58-63.

15. Zanan 2 (March 1370/1992), 26-33.

consecutive Numbers, which appeared between May and December 1992, discuss the question of women's right to serve as judges and arbiters in marital disputes in courts, and as mojtahids. Interestingly - but perhaps not unexpectedly - the author of these five articles is a male cleric in Qom using a female pseudonym, Mina Yadegar Azadi. He takes issue with the very premise on which the official Shi'a discourse on the position of women is based, laying bare its inherent gender bias. His mastery of the Shari'a art of argumentation, coupled with his command of the sacred sources, not only ensures that the debate remains within acceptable boundaries but gives a different edge to these arguments.

To appreciate the nuances of these arguments, we should take a closer look at the mode of argumentation, the juristic and logical devices the writer employs to obtain different interpretations of those Koranic verses on which Shari'a rules on women are based. Two of these articles, entitled "Women in Judgment" (Zanan 4 & 5), discuss the sensitive issue of forbidding women since 1979 to serve as judges on the grounds that it is against the explicit rule of Shari'a. The author says that those who see women as unfit to serve as judges resort to two kinds of reasoning. The first is that women have delicate constitutions, are ruled by emotions, and are, thus, unable to deliver justice. The second is that Islam forbids them to do so, and "in support of this assertion they invoke the Koran, sunna, practice of the Prophet; ijma', consensus of the jurists; and 'aql, reason". It is those who use the latter argument that the author considers it more important to tackle first, especially since some of them are opposed to women's work outside the home. They ground their arguments in three Koranic verses (4 (Nisa): 34, 2 (Baqara): 228, and 59 (Ahzab): 33); and so the writer commences by discussing these.¹⁶

He opens the discussion by interpreting the first part of verse 34 of Sura Nisa as follows:¹⁷

"According to God's way, sunnat, which has caused some to excel over others, men, because they give from their own property, have an advantage over women, thus honourable and respectful women guard their husband's interest covertly, as this right has been reserved for them [men] by God."

16. Zanan 4 (April 1371/1992), 20-26.

17. The verse reads: "Men are the maintainers of women because Allah has made some of them to excel others and because they spend out of their property; the good women are therefore obedient, guarding the unseen as Allah has guarded; and (as to) those on whose part you fear desertion, admonish them, and leave them alone in the sleeping-places and beat them; then if they obey you, do not seek a way against them, surely Allah is High, Great." This and other translations are taken from Holy Qu'ran, translated by M.H.Sakir (Qom: Anasariyan Publications, n.d.), which is distributed abroad by the Islamic republic.

He then adds that those who oppose women serving as judges say that:

“according to this verse, men have dominion over women and God has made men maintainers of women; thus how can women judge men and decide their fate? Whereas this verse as translated does not indicate that men are superior to women, it merely recalls the place of married men and women and reveals an external fact; and discusses the status of men in conjugal life. Beside, this verse does not embrace single or widowed men and women.”

In order to confine men’s supremacy to the realm of the family, and more importantly to define it as a condition arising from the contract of marriage, the writer performs an etymological analysis of two key words of the verse which are taken as Koranic evidence for men’s superiority and women as their wards: *fadl*, to excel, and *qawwam*, to maintain. He starts by reviewing the usage of each word in other verses to establish that *fadl* does not denote a natural/intrinsic advantage but an achieved/earned one, which in most cases relates to material and welfare matters. He then deliberates on the meaning of *fadl*, which, as he has it, is a kind of ‘excess from equilibrant’ which can have either a positive or a negative sense. In a positive sense - referred to as *fadl-i mamduh* - it can be one of the following three: a) *fadl* by variety, *jins*, such as superiority of animal kind over plant kind; or b) *fadl* by species, *nou’*, such as superiority of human species over horse species; and c) *fadl* by essence, *zat*, such as advantage of one person over another which is commonly measured by some determined criteria, such as wealth.

“Therefore, men’s *fadl* to women is the superiority of one person over another among the equal species of human, and in the honoured verse, man in his capacity of being married and managing the family has an advantage, not that all men are superior to all women.”

The same goes for *qawwam*, which speaks of a convention, a custom, a contract according to which men voluntarily undertake to run the affairs of the family. This in no sense signifies that they are superior, but merely that they protect and maintain their wives.

“Seen from this perspective, the verse is indeed not about men’s dominion over and guardianship of women but is about married women, who are to fulfill their share of duties in the family.”

The two verses are subjected to the same treatment. As regards verse 228 of Baqara - which is again taken as evidence of men’s superiority, as it says men are a degree higher than women - Azadi argues that, given the

entire text of the verse, this supremacy again has to do with men's and women's different marital rights and duties.¹⁸

"Difference in rights and duties, which is both relative and a matter of convention, cannot be taken as men's intrinsic (natural) superiority over women. Both are human, thus equal."

As regards Verse 33 of Ahzab, which is invoked by those who disapprove of women's work outside the home because in it they are enjoined to stay home and not to display their ornaments, Azadi has the following to offer.¹⁹ First, as the preceding verse (32) reveals, it is addressed to women of the Prophet's household, thus it is not incumbent on all Muslim women, who certainly are not on the same level. Secondly, even if it were addressed to all women, its command, hukm, is a guiding, irshadi, not a binding, ilzami, one. On this all jurist agree, in his words: "We have not yet heard a single faqih decree as a binding and obligatory command of God that women be house-bond."

He concludes his discussion of the Koranic verses by reiterating that the three verses in no way oppose women's right to serve as judges; and that they are but a pretext for those whose real intention is to keep women in a state of depravity, restrict the scope of their activities, and in short confine them to the home.

Having dealt with the Koranic verses, the Zanan writer turns his attention to the Traditions that opponents of women judges invoke in support of their position. He finds these to be of three kinds. First, those sayings, rawayatt, in which there is a specific ban on women from assuming certain offices, such as a judge or public prayer leader. Secondly, those from which a ban can be inferred because of the repercussions on women's work outside home, such as the preference, istihab, for their segregation, or the abhorrence, ikrah, of their presence in Friday prayers. Thirdly, those traditions that the author classifies as dealing with general themes and banning women as a result of their own internal logic. He starts with the first kind and focuses on three sayings. The first is a saying by Imam Baqer (the fifth Shi'a Imam), who is reputed to have said "do not leave judgment to women." The second is the Prophet's last will addressed to 'Ali, in which, among a long list of prohibitions placed on

18. The verse reads: "And the divorced women should keep themselves in waiting for three courses, and it is not lawful for them that they should conceal what Allah has created in their womb, if they believe in Allah and the last day; and their husbands have a better right to take them back in the meanwhile if they wish for reconciliation; and they have rights similar to those against them in a just manner, and the men are a degree above them, and Allah is Mighty, Wise."

19. The verse reads: "And you stay in your houses and do not display your finery like the displaying of the ignorance of yore; and keep up prayer, and pay the poor-rate, and obey Allah and His Apostle. Allah only desires to keep away the uncleanness from you, O people of the House! and to purify you a (thorough) purifying."

women, two are “women are not to be in charge of the task of judging, and they are not to be consulted.” The third is the wilayat hadith whereby the Prophet said that “the people, the wilayat (running) of whose affairs is entrusted to a woman, will not be saved.”

To set the record straight, and more importantly to show why and how these three sayings do not constitute a ban on women’s right to serve as judges, the writer puts forward altogether 20 arguments, 13 relating to the first two sayings, and seven relating to the third one. These arguments are varied: some are rooted in fiqh, others in linguistics, sociology, logic, reason and common sense. They range from discussing their chain of transmitters to etymological and logical arguments, with the aim of placing them in context by drawing attention to the fact that each pertains to a specific set of events and reflects the dictates of its time, which is not necessarily the same as ours. For instance, as to the third hadith, in a long passage he argues that the Prophet was specifically referring to events in Persia, where a female monarch had just assumed the throne. The hadith is a political commentary on the affairs of Sassanid Persia, where in the course of four years twelve monarchs had been enthroned.²⁰

“It reveals an external fact about the Persians, that this time too the Sassanid throne cannot be saved, not that if women rule, people will not be saved in akhira (the last day).

Suppose in a given society, all men are afflicted with the disease of feeble-mindedness, and there is one wise and learned woman, in that case is her wilayat still invalid? What happens if we assign this wilayat to imbecile men?! Or let’s suppose that in other planets, women are stronger and more learned than men, do we accept their custom or do we reject it totally?”

In the next number (Zanan 5, June-July 1992) the writer turns his attention to *ijma’* (consensus of jurists on an issue). He starts the discussion by defining the nature, scope and function of *ijma’* in Shi’a fiqh, clarifying its place in the process of *ijtihad*. The gist of his argument is as follows. *Ijma’*, strictly speaking, is the act of gathering the opinions of Islamic scholars and jurists on a certain issue, and on its own is not a source of law but merely a tool in deriving a law from the primary sources. In practice, since there is no requirement as to the minimum number of these opinions, it has become customary to claim that *ijma’* has been achieved for some legal rulings whose essence is not strictly in line with the primary sources. There are two kinds of *ijma’*: *ijma’-i muhassil* (obtained consensus), whereby one needs to collect the views of contemporary jurists on an issue; and *ijma’-i manqul* (narrated *ijma’*), whereby a *faqih* or *mujtahed*, in support of his own opinion, makes a

20. Cf Fatima Mernissi’s account in *Women and Islam*, 49-62.

claim of other jurists' consensus, without any thorough research. Since obtaining the first type of *ijma'* is difficult, and even impossible, whenever jurists invoke *ijma'*, they are talking of the second type. In that case its function is that of affirming the sunna and has little validity on its own, otherwise the jurists' opinion could replace the Book and the Tradition.

With this background, Azadi concludes that, with regard to maleness as a prerequisite for judgment, there is no *ijma'* of the first kind; and he then lists arguments that some jurists have put forward that the *ijma'* (which is of course the second kind, *manqul*) requires a judge to be of male sex. He points out that the whole issue of maleness as prerequisite for judgment is in fact a Sunni debate which entered Shi'a fiqh in the sixth century hijri under the influence of Shaikh Tusi, mainly in order to gain acceptability and avoid further criticism by his Sunni counterparts.

In the last part of the discussion, which is entitled "Women's Judgment from the Perspective of Reason", Azadi notes:

"Probing the reasons put forward by those Islamic jurists who deny women the right to be a judge, proves that their offensive on woman focuses on her incapacity and inability. It is the question of women's gender shortcomings and men's natural superiority. They regard men as powerful beings and women as weak and worthless. It is of course evident to us that such perceptions arise from centuries of confinement, living behind closed doors, in inner quarters, *andarun*, of homes separated from the society... Nevertheless, to prove women's inadequacy they have brought up other arguments."

He then discusses three arguments that are put forward by jurists in support of the doctrine that women are innately flawed. First, there has never been a woman prophet or Imam, which proves that God has not entrusted women with the task of judging men. Secondly, the primary postulate is that of everyone's '*adam-i wilayat*, i.e. that no one has the right of *wilayat* (authority or jurisdiction) over anyone else; therefore, those who oppose this postulate must provide convincing evidence. Thirdly, women are defective in nature and thus cannot be entrusted with tasks such as *wilayat* or judgment.

The way Azadi tackles each of these sets of reasoning is both skillful and provocative, laying bare their circular nature, inner contradictions and misogynous roots. For instance, as to the first, he states:

"1) It is obvious that not having become a prophet or Imam is different from not being able to become one; we learned in philosophy and logic, not finding something does not prove that it does not exist.

That women have not taken the mantle of prophethood - which requires intense social activity - cannot be taken as an evidence for women's depravity so as to deny them other offices. This (women not becoming

prophets) did not happen for numerous factors that the Divine Law-Maker willed.

3) That women have not been appointed as prophets is after all a report; perhaps there were women prophets whose missions were denied by men.

4) According to the explicit text of the Koran, revelation, which is one of the attributes of prophecy, was received by women, such as the mother of Moses, and particularly Mary mother of Jesus."

As to the second set of arguments, the 'adam-i wilayat postulate, Azadi states that if we are to take this postulate literally then no one, including men, can judge or rule, thus there can be no rule or government. He then expresses a view that goes against the very grain of establishment clerical opinion:

"The Divine Law-Maker (Shar'-i Islam) has left ordinary affairs to people themselves and only guides them in this respect; whether people are going to vote for this or that person is something which belongs to the realm of the ordinary; religion is neither for or against it, unless the actions of the voters or candidates contradict a principle of the faith."

As to the third argument, women's defectiveness (naqs), he focuses on Imam 'Ali's Sermon (khutbeh) 79 in Nahj al-Balagheh,²¹ in which the Imam registers women's deficiencies in clear and strong terms, leaving no room for modification.²² Here Azadi is clearly at pains to qualify the Imam's saying, or cast doubts on its authenticity; what he does is to place the khutbeh in context and argue that one cannot generalize from it. It was delivered soon after the battle of the Camel and it specifically addresses 'Ayisha's ill judgment and action, not all women.

Finally, he turns to tackle those who argue that because of their delicate and emotional nature, women are incapable of correct judgment.

"Rather than criticizing women, they are willy-nilly implicating the Creator, and if they believe that there is no defect in the Creation, then they cannot claim that women's emotionality makes them defective, and if they believe otherwise, then we need to enter a discussion on the fundamentals (usul) with them; their views on women are attributable to other belief systems than Islam and knowledge of God."

21. Nahj al-Balagheh is the most reputed collection of the sayings of 'Ali, the first Shi'a Imam.

22. The khutba reads: "O people, women are deficient in belief (imam), inheritance and wisdom. Their deficiency in belief is due to not praying and fasting during menses; their deficiency in wisdom is that witness of two women equals one man and in inheritance is that their share is half of men's. Therefore, avoid bad women and beware good ones; do not follow their good advice and actions so as not to encourage them to spread bad advice and actions (i.e. impel you to follow them)."

He ends the whole discussion on women and judgment by going back to the Koran, and cites verse 13 of Hujurat,²³ to prove that men and women are equal in the eyes of God; what invests either with privilege is their action; and verses 21 to 42 of Sura Naml, to prove the wise judgment and good rule of a woman through the Koranic account of the encounter between Solomon and the Queen of Sheba.²⁴

In the next three Numbers (Zanan 6-8, which appeared between July and December 1992), Azadi turns his attention to two themes: women as arbitrators in family courts and as religious leaders (marja'). Given the subject matter of the preceding articles, his first theme seems repetitious, if not incongruous. But as his argument progresses it becomes evident that they are an implicit critique of the post-revolutionary divorce laws and the Majlis debates concerning the disputed divorce amendments which were rejected by the Council of Guardians. In these articles, Azadi offers an extended commentary on Verse 35 of Nisa, which recommends that if separation between spouses is feared, an arbiter from each side should be appointed to deal with the dispute. This verse became the basis for the establishment of Shari'a courts in 1979 to replace the Family Protection Courts as well as the first modification in Shari'a divorce provisions effected in the Islamic Republic.²⁵ Azadi first takes issue with "some of the graduates of Houzeh" (centres of religious learning in Qom) who contend that the Verse is addressed to the judge and, thus, "it is up to him to choose to settle the dispute by appointing the arbiters." Before offering his own view, Azadi discusses diverse commentaries on this verse, and then concludes that,

"the choice of the arbiters must be left to the disputing couple; it is allowed, even preferable, that one of them should be a woman; they should be empowered to settle the dispute by bringing about either a reconciliation or a negotiated divorce."²⁶

In the second part, he discusses the limits to the powers of arbiters as understood from the above verse. He then turns to an examination of arbitration in the modern legal systems of three Muslim countries: Iran, Iraq and Lebanon. He uses the occasion to point out that apart from two minor details, the provisions of the dismantled Family Protection Law correspond with the Shari'a mandates, and its dismantling has resulted in a number of problems which need urgent attention.²⁷

23. The verse reads: "We have created you of a male and a female, and made you tribes and families that you may know each other; surely the most honourable of you with Allah is the one among you most careful (of his duty)."

24. Zanan 5 (June-July 1992): 17-26.

25. See Mir-Hosseini, Marriage on Trial, 55-56.

26. Zanan 6 (August 1371/1992), 22-29.

27. Zanan 7 (Sept-Oct 1371/1992), 25-29.

In his last contributions, entitled *Women's Ijtihad and Marji'at*, Azadi follows his usual format and grounds the question in sacred texts and rational debates. However, both the thrust of his argument and the tone of his writings are more forceful and less implicit. He draws a clearer line between primary (the Koran and sunna) and secondary (fiqh texts) sources of Islamic law. He then points out that there is no evidence in the primary sources to support the contention of the secondary sources which bans women from issuing decrees and becoming religious leaders. According to him, the secondary sources reflect views and conceptions of Muslim thinkers not Islam. They should not be accepted at face value and need to be questioned in the light of the primordial principles inherent in the primary sources. In refuting the views of some Muslim thinkers, Azadi takes his arguments, refined in the course of the last four issues, to their logical conclusion and calls for and absolute gender equality in all spheres of the Shari'a. This is done under the heading of 'Rational Principles' (Usul-i 'Uqala'i), in which he elaborates on six principles amounting to a declaration of a Shari'a-based bill of rights for women. All entail equal rights in 1) pursuing education, 2) choosing an occupation, 3) administering justice, 4) attaining spiritual perfection, 5) receiving rewards and punishments, and finally 6) developing a healthy society and fulfilling other social and human needs.²⁸

Debating the Sacred and the Legal: a Challenging Voice

A year after its launch, in a review of Ayatollah Javadi Amoli's book *Women in the Looking Glass of Majesty and Beauty*, Zanan starts to take issue with the official Shi'a discourse on women.²⁹ The book is important not only because it is the first substantial publication on women since the Revolution by an eminent Ayatollah, but it also encapsulates the latest, state-of-the-art, official Shi'a discourse on women produced under the Islamic Republic, as evidenced in three ventures in which the book is rooted.³⁰ The first is a course of lectures that Ayatollah Amoli delivered in Qom in 1989-90 to female students of the Al-Zahra seminary. These students, who were all at the advanced level of religious studies, also helped in "elucidating certain ambivalence of fiqh texts and Koranic commentaries." The second is a seminar organized by the Iranian National Radio and Television in which Amoli prepared a special text to fit the seminar's theme, "The high status of women in Islam, protecting their honour by amicable means in the society, and combating the Western cultural invasion." The third is a set of "scientific questions with

28. Zanan 8 (Nov-Dec 1371/1992), 24-32.

29. Zanan 9 (Jan-Feb 1993).

30. Ayatollah Javadi Amoli, *Zan dar A'ineh-ye Jalal va Jamal* (Tehran: Reja' Cultural Press, 1371/1992).

regard to specific Koranic exegesis", asked by the director of the Centre for Women's Studies.³¹

Ayatollah Amoli's stance on gender is the same as that taken by Ayatollah Motahhari three decades earlier, although his mode of argumentation is different. While concurring with Motahhari's theses of the complementarity of gender rights and duties, Amoli places the whole issue of gender inequalities in the Shari'a on a spiritual plane, justifying them through a series of mystical inferences. In so doing, he aims to relegate gender disparity in the Shari'a to the mundane material realm and refers the reader to the spiritual realm, where the real destinies of men and women lie. For instance, as far as family matters are concerned, he writes that "the endurance of hardship (for women) might on the surface appear an evil (sharr) but its immense goodness (khair) is to strengthen the family and protect its essence."³² The book's title, on which Amoli dwells at length in the introduction, aims to underline the eternal duality in the mundane and spiritual destinies of men and women. In Amoli's words:

"In short a woman must offer the subtleties of wisdom (zara'if-i hikmat) in the subtleties of art (zar'if-i honar) and man must display subtleties of art in subtleties of wisdom, that is to say that a woman's majesty (jalal) is hidden in her beauty (jamal) and a man's beauty is reflected in his majesty and this division of labour is neither a blame for women nor a praise for men. But it is the guide-line for each, each (sex) is assigned to its proper tasks and deserves praise for compliance with this order, and blame for defiance."³³

Zanan's review, entitled "Women in the Perspective of Reason and Perfection," marks the beginning of a new phase in Shari'a-based discourse in post-revolutionary Iran. Its author, Mohsen Sa'idzadeh, is a cleric trained in Qom whose position is very different from Amoli's.³⁴ Drawing upon arguments developed in previous Numbers, Sa'idzadeh rejects the very premise of Amoli's arguments and denounces the notion of 'complementarity of rights' - developed by Motahhari and on which Amoli's arguments rest - as a pretext to deny women their Islamic rights. In a set of inter-connected arguments, Sa'idzadeh contends that Islam

31. Amoli, Zan, 17-18

32. Amoli, Zan, 22

33. Amoli, Zan, 28

34. Sa'idzadeh is believed to be the author of Zanan's previous legal sections, writing under the pseudonym 'Azadi'. The fact that he chooses to use his own name when taking issue with Amoli can be interpreted as an indication not only of his confidence, due to the acceptability and erudition of his earlier contributions, but also of the appeal of Zanan's line of argument among some clerics. The debates among these clerics, the issue of male authorship of Zanan's legal articles, and the use of female pseudonyms are among the topics that I discuss in a larger project of which the present paper is a part.

grants the women the same rights as men in all matters, including the right to become leaders (both religious and political) and to serve as judges. Islam regards the material and the spiritual as two sides of the same coin, and it is sheer folly to expect that we can continue to subjugate women in this material world through an illusory promise of spiritual reward. The following extracts give an idea of the nature and force of his arguments, which are both challenging and novel.

“Money is the root of all good as much as it can be the root of absolute corruption. If a woman were an (economically) independent legal person (in marriage) and did not have to depend on her husband for nafaqa (maintenance), she would not put up with the indignity of an unjust tamkin (obedience) and a thousand and one other hardships; this is what frightens men. If humanity ruled, irrespective of being wealthy or not, a woman would be her husband’s partner and aide. Did Khadija not spend her large wealth for the Prophet? Was she not wealthy and powerful? Why did she follow him and remain loyal to him?

It is time to ameliorate men’s level of awareness in society, to make them understand that the criterion for good conjugal relations is no longer domination, paying for women’s maintenance and ruling them, but the reason for a woman obeying a man is his humanity. Indeed we do not have any strata in this country more oppressed and sacrificing than women.

It is not evident why, instead of being realistic, some of our religious leaders resort to fanciful, and sometimes distorted, justifications and interpretations. Why do they not want to accept women’s God-given and intrinsic demands, which are in no way threatening to society. Why in the sphere of Islamic law, which claims universal application, should these matters be missing?

We believe that the problem is not with Islam but with Islamic thinkers’ understanding of Islam, which is tinted with political and patriarchal notions. Why, as soon as an enlightened mujtahid or an aware Islamic scholar tries to correct these, is he faced with all sorts of accusations? If our logic is strong then we should not be frightened and if it is weak we should find ways to remedy it.”³⁵

With two gaps, the legal sections of the next five Numbers (Zanan 11-16, which appeared between June 1993 and February 1994) extend the debate to an examination of the gender basis of current penal laws. The debate started with Zanan’s publication of an article by a secular women lawyer, Mehrangiz Kar, delivered at the ‘First Seminar of Women’s Social Participation’. The seminar, organized by the Tehran Governor’s Office, was part of an official campaign to promote women’s status in society by highlighting their “high status” in Islam. Kar’s paper is a factual analysis of the gendered basis of the Islamic Punishment Law as codified in 1991,

35. Zanan 9 (Dec-Jan 1371/1992-3), 29-34.

in which she merely lists - without one single comment - the instances in which men and women receive different punishments for the same crime.

Zanan's decision to publish a paper by a secular feminist, whose primary assumption is that 'gender equality even in punishment' is a principle to which the legislator should adhere, marks another phase in the development of Zanan's stance. Zanan's willingness to join forces with secular feminists to protest against the gender biases of a law which is derived from the Shari'a is indeed novel in post-revolutionary politics. Capitalizing on recent pro-women slogans, Zanan introduces Kar's article with an explicit call for *ijtihad*:

"In recent years Iranian women have been subjected to especial praise and honours, naturally raising their expectations. They now expect the thinkers and policy-makers to re-examine the inequalities that exist in penal laws of the country and prescribe a fundamental revision. In other words: 'It is time for *ijtihad*'."³⁶

To defuse an eventual riposte, the introductory passage to Kar's paper contains two other points: first, that:

"Islam is a collection of Koranic Verses, sunna and opinions of the Islamic jurists, and we know that jurists differed in their perspectives and opinions. Some refute others, and it is exactly here that we can be hopeful for progressive *ijtihads*."

Secondly, that when the author refers to 'legislator', *qanungozar*, she means 'law-making authorities and apparatus of the country', not the Divine-Law-Maker', *Shar'i-e-Islam*. This distinction is also made in the title of Kar's article: "The Position of Women in Penal Laws of Iran".

Zanan 13 continues the debate, but this time from the *fiqh* perspective. This is done in a three-part article entitled "Position of Women in Penal Laws of Islam", written under the name of Zinat al-Sadat Kermanshahi. The approach and the style of argumentation in these articles are exactly the same as in those written by Azadi. However they have a stronger tone and the arguments are further refined, giving them a more forceful thrust. Before starting the discussion, the author carves out a framework with two objectives: to ground and contain the discussion within the *fiqh* tradition with the aim of pre-empting any charge of heresy; and to promote Shari'a-based arguments for reforming the present penal laws which are themselves based on the Shari'a. To expand the scope of debate as developed in earlier issues of Zanan, and to free the author from previous constraints, five points are stressed at the outset. These are:

36. Zanan 11 (June-July 1372/1993), 16.

"1) In arguing for gender equality in the penal laws of Islam we start with the postulate of takafu (equality) in religion, then we proceed to examine the postulates of gender, freedom and slavery - all within the fiqh framework.

2) After the Prophet's death, the need for new laws and re-interpretations of the old ones gave rise to the emergence of various schools of law and thought whose founders used their own judgments in an endeavour to find solutions for legal problems. Thus their views and deductions cannot unequivocally be attributed to Islam, as they are the views and commands of Muslims not Islam.

3) It is evident from the arguments and views of Islamic jurists, hadith experts, and commentators that the penal laws of Islam are more satisfactory (imza'i) than foundational (ta'sisi); and that Islam largely accepted past customs and introduced certain modifications, including the removal of discrimination. Thus well versed in the rules of fiqh and usul, the present writer does not find it necessary to confine him/herself to current idioms.

4) The requirements of the age, of place and politics have undeniably shaped Islamic laws, fiqh and its commands, as confirmed by a number of hadith. Therefore, a review of these laws does not diminish their value and sanctity but enhances their power. The 'Divine Law-Maker of Islam' had foreseen and allowed for such changes.

5) This article is a critique to assist the legislator (qanungozar) in reforming (penal) laws; its aim is neither to be a decree (fatwa) nor to innovate (ibda')." ³⁷

Within this framework, the author proceeds to examine the place of gender in Shari'a penal laws under five headings: retribution in case of murder, qissas-i nafs, retribution in case of the loss a bodily organ, qissas-i 'uzw, money compensation paid in lieu of qissas (diya), fixed punishment, hudud, and punishment defined by the Islamic judge, ta'zirat. For each of these forms of punishment, the author scrutinizes the diverse opinions of the jurists and divides them into three groups: advocates of the 'theory of difference', who maintain that men and women should be subjected to different punishments for committing the same crime; proponents of the 'theory of equality', who hold that men and women should receive the same punishment for committing the same crime; and supporters of the 'theory of inequality', who argue that a man should not be subjected to qissas for murdering a woman.

These articles are interrupted in Zanan 14 (Oct-Sept 1993) by a harsh critique of Kar's paper, to which Zanan duly replies in the same Number. The critique, apparently written by a seminary-educated woman, Muzhgan Kiyani Sabet,³⁸ is in fact a pretext to rebut the earlier articles in

37. Zanan 13 (Sept 1372/1993), 56-60.

38. It is rumoured that the article was written by her husband, himself a cleric.

the legal sections of Zanan, written by Azadi. However, its author chooses to single out Kar's article as the culprit. This is so not only because Kar, as a secular feminist, is a safer target to attack, but also because the author probably found it difficult to challenge Azadi's articles which are all argued within acceptable fiqh boundaries. The critique, and Zanan's reply, written by Sa'idzadeh, encapsulate the conflict between Zanan and those who see gender differences in the Shari'a as reflecting the divine design for mankind. Lack of space does not allow a full treatment, here I can give only an intimation.³⁹

Following the style set by Zanan, 'Kiyani Sabet' starts her critique with an introductory section, establishing the framework and the position taken. This section makes seven points, whose primary aims seem to be twofold: to close the debate on gender inequality in the Shari'a, and to reaffirm the official Shi'a position. These are conveyed in a set of seven arguments in which the author contends that 1) as penal laws in Iran are now derived from the Shari'a, any discussion of them involves the Shari'a, i.e. the sacred; 2) to object to them is to object to the Shari'a, which is not permissible as the believer is required to follow the Shari'a provisions without any probing. The following four arguments simply reiterate that Islamic law is divinely ordained, based on the laws of nature; women are treated differently because their natures are different and this is indeed the very essence of justice. Here the author simply produces the arguments put forward by Ayatollah Motahhari and more recently by Amoli, quoting from their books. The final argument is theological, whereby the author states that, "prior to entering a discussion of fiqh one needs to enter a discussion on fundamental and doctrinal issues of Islam," which is followed by a discussion of two of the fundamentals of religion, *usul-i din*: Unity of Attributes, *Towhid-i Sefati*, and Divine Justice, *'Adl-i Elahi*.⁴⁰

Zanan's reply, entitled "But Our Response", which is written by Sa'idzadeh, is not only daring and erudite but carves out another space for Zanan's position within the fiqh-grounded debates. Saidadeh 'tackles the critique on its own terms, responds to each of its arguments within the fiqh context, shows how its author commits the very sin that s/he forbids others, and points out the instances in which the author deviates from the fiqh and the fundamentals of the religion by issuing a number of groundless fatwas. In so doing, Zanan highlights the ways in which the critique misunderstood and misrepresented fiqh fundamentals, the Iranian legal system, and Kar's article, laying bare its implicit gender biases.⁴¹

39. I am dealing with these two perspectives in a forthcoming book.

40. Zanan 14 (Oct-Nov 1372/1993), 42-49.

41. Zanan 14 (Oct-Nov 1372/1993), 50-57.

Debating the Legal and Moral: an Emerging Feminist Voice

Zanan 18 (June-July 1994) marks another important phase in its progression towards a Shari'a-based feminist discourse. Here Zanan questions the classic divide in Shari'a marriage rules between the moral and the legal and holds it responsible for the injustices in marriage to which women have been subjected. This is done in two ways. First, Zanan takes issue with assertions made about nafaqa (maintenance) by the head of the judiciary, Ayatollah Yazdi. Reflecting the dominant opinion within the Shi'a fiqh, Ayatollah Yazdi, in a Friday Prayer sermon (June 3rd) said that, legally speaking, the wife's right to maintenance does not include the expenses of major medical treatments.⁴² Zanan's critique of the Ayatollah's position, again written by Sa'idzadeh, took the form of an extended article, entitled: "According to What Law is a Husband Not Responsible for his Wife's Major Medical Expenses?" The Ayatollah felt compelled to reply to these challenges not merely to his credentials as an advocate of justice, but to his competence as a jurist/scholar.⁴³ Secondly, Zanan adopts a different approach in discussing issues which were examined in the first two Numbers, such as the wife's obedience and the husband's right to headship of the household, dealing now with the sociological, legal and fiqh aspects separately, and highlighting their inter-connections.

The sociological aspects are examined in a section labeled 'Report', which like the 'Legal' is a feature in most Numbers. In Number 18, the 'Report' is devoted to women's actual experiences of marital violence, under the title: "Sir, Have You Ever Beaten Your Wife?" It consists of a number of interviews with men, women and children from different walks of life, seemingly innocent, but sharply pointed. These interviews reveal the extent to which women are at the mercy of their husbands, who see it as within their right to beat them if they object to or ignore their demands. In other words, the Report shows what the Shari'a concepts such as tamkin and nushuz entail in practice, and how humiliating and disturbing is their impact on women and the children.

The 'Report' is followed by an interview with a female lawyer (Mehrangiz Kar), discussing the legal rights of a wife who is trapped in a violent marriage. Only in case of extreme physical violence can a woman have recourse to law, either to claim compensation or to obtain a divorce. But since the concept of 'maltreatment' (of a wife) is not clearly defined

42. Zanan 18 (June-July 1373/1994), 34-37

43. Zanan 19 (August-Sept 1994), 7-8. Ayatollah Yazdi starts his reply by expressing his delight that among women there are those who are apparently capable of such scientific and analytical discussion, but chooses on the one hand to ignore that the critique of his own speech was written by a man (Sa'idzadeh), while insinuating that the previous articles were written by men. This again raises the issue of male authorship and the ways in which women's issues have become a main debating ground among male clerics.

by the Civil Code articles, the outcome of many cases depends on the outlook of the judges, who are all male and trained in Islamic law. Some consider that a man has right to punish his wife, while others consider beating as a violation of her rights. The whole legal procedure is complex and a woman must provide medical reports or bring witnesses in support of her claim, and only those whose injuries are severe, such as loss of a limb, can get any kind of compensation. Since this is not always the case, women often end up giving consent to abandon the case against their husbands.⁴⁴

The fiqh dimensions are discussed in a two-part article (Zanan 18-19, June-September 1994), under the title: "Wife-beating: Another Consequence of Men's Headship". In contrast with the first two Numbers, Zanan not only now engages with fiqh texts but tackles Koranic verses which are commonly used to legitimate women's subordination. The author of this article is a man well versed in sacred traditions, although he uses the name Mohsen Qa'eni, he is rumoured to be the same cleric who has contributed many earlier articles. Like the contributors to Numbers 1 and 2, he starts the discussion with Article 1105 of the Civil Code and Verse 34 of Sura Nisa, but unlike them he sets out to prove that Article 1105 has no Shari'a justification, and that its content cannot be attributed to the divine Law-Maker of Islam. He challenges dominant interpretations of the above verse and the underlying assumptions behind them before offering his own reading, which reflects Zanan's position: that men's headship of the household is a male construct, and, like other male privileges which are attributed to Shari'a laws, actually has its roots in the culture and customs of the time of revelation. In these sections, the author introduces a number of ingenious ideas and opens the way for a feminist reading of some of the Koranic verses. To understand how this is done, we should take a closer look at these two articles.

After a lengthy critique of the prevailing conceptions of marriage and marital relations in the works of Islamic jurists, Mohsen Qa'eni asserts that, in the sphere of the family as elsewhere, the Koran's aim was to introduce change gradually. For instance, at the time when women had no inheritance rights, the Koran entitled them to half the share of a man; had the economic and social conditions been favourable, most probably they would have been given equal shares then and there. The absolute authority of men, and the maltreatment of women, were among the customs of Arabs; the Koran, however, modified them to a large extent. For instance, the wealthier or more powerful a man, the more wives he took; what the Koran did was to limit the number to four and make

44. As my own study of divorce cases shows, maltreatment is the most difficult ground to establish, although it is the most commonly claimed, constituting 34 per cent of all cases. For an extended discussion, see Mir-Hosseini, *Marriage*, 67-71.

women a party to the contract; if the situation had arisen, it would have limited the number to one, as there is a clear indication of this in several places in the Koran itself.

To show the extent to which Verse 34 of Sura Nisa is predicated on the customs and conventions of its time, Qa'eni urges the reader to follow the practice of the Prophet, reminding the believer that s/he is required to do so by the Koran itself. He then goes through 15 Traditions to argue that the Prophet himself never acted according to the dictates of the Verse: not only did he never raise his hand to strike any of his wives, but he condemned wife-beating. However, he tolerated it as it was a part of the patriarchal culture of the time, which he intended to abolish gradually through reforms. To separate the ideas and views of Islamic thinkers further from those of the Prophet, the author makes six logical deductions, the gist of which is as follows.

“1) Islam intends to resolve disputes primarily through persuasion, *mou'izah*, and advice, *nasihat*, and by logical means, then through indirect means, such as avoidance, *qahr*, and it is only after these that out of necessity a warning or a threat is issued. The same holds true for marital disputes: the permission, *ibaheh*, to beat is merely a gesture, a caution, aiming to create awe. Seen from this perspective, Islam empowers both spouses to prevent each other from straying from the correct path of marital life. Each (sex) may resort to different measures.

2) To improve social relations, Islam has endorsed some of the existing rules - and probably added some, that is to say that, since certain customs and beliefs were so deep-rooted among Arabs, Islam did not see it expedient to fight them overtly. Among them were beating of wives and *talaq*, but the fact is that Islam abhors men who beat their wives or divorce them at will.

3) In Islam, 'command', *amr*, has different functions - depending on the context. Whenever a command is inferred from the Koran, compliance is not required. For instance, Verse 3 of Nisa, cannot be taken as commanding men to take four wives.⁴⁵

4) According to the view of some commentators, beating is to be resorted to only in case of the husband's inability to achieve the desired result in a conciliatory manner, i.e. in case of extreme duress, *iztirar*. Evidently, any *iztirar* is blameworthy, *makruh*, the preferred command of Islam for a man is to establish a loving relationship with his wife and not to hurt her. Those who take this verse at its face value and criticize the Koran for sanctioning wife-beating either have other motives or lack knowledge of its essence.

45. The verse reads: "And if you fear that you cannot act equitably towards orphans, then marry such women as seem good to you, two and three and four; but if you fear that you will not do justice (between them), then (marry) only one or what your right hands possess, this is more proper, that you may not deviate from the right course."

5) Positively, the content of the verse is a report on the people of that age. To extend its relevance to all times, we need other proofs, *dalil*. One issue in theoretical bases of Islamic law, *usul al-fiqh*, is the question of the extent to which Koranic commands can be extended validly to those who were not its face-to-face addressees, *gheyr-i mushafihan*. According to the perspective of the non-extension, *'adam-i shumul*, it is up to those who hold that the Koran sanctions the beating of a wife to provide proofs that the command extends to people of all ages. The same is true of those verses which were used to legitimate men's dominance over women. The Koran states that men have a privilege over women, which is that granted to them as their maintainers, but it does not say whether this (being their maintainers) is good or bad. The rest of the verse merely states that "good women are obedient" but does not tell them to be obedient. If the Koran wanted them to be obedient, it would have said so directly. Why has it not ordered them to be so, as in other instances when men and women are ordered to obey God and his Prophet, and to do their prayers five times a day and to fast during the Ramadan? This means that the Koran simply endorsed the conduct and custom of the time - as it did with other marriage rules - but it does not mean that the Koran held them as just and unchangeable.

6) If we accept the view of some of Islamic jurisprudence, *Ulama-yi 'ilm-i usul*, a Koranic command can be revoked, *naskh*, by means of visible proofs. In the case of the above verse we are facing a kind of *naskh*. The order to strike, *darba* in its conventional interpretation is removed because of the interest of the situation, *maslahat-i waz'*, of wisdom, *hikmat*, and of other interests. In light of the traditions, *ahadith*, discussed above - transmitted by both Sunnis and Shi'as - and given other principles of the Koran and Sunna which oppose any kind of aggression and seek to promote peace and harmony in all matters, the revocation, *naskh*, of the word *daraba* (in its conventional meaning) is then certain."⁴⁶

Having put forward the above logical reasoning, the author then surveys the *fiqh* literature to show the diversity of jurists' opinions on the subject. A minority, who share the author's point of view, hold that men are not permitted to beat their wives under any condition. The majority, who think otherwise, are divided into two groups: those who consider this treatment applicable to all women; and those who make a distinction according to the wife's status, which suggests that the command has always had its social side. In subtle ways the discussion reveals the complexity and yet the absurdity of the whole issue, especially in the modern legal context when the wife can successfully challenge any charge of disobedience. It is argued that beating a wife has no religious legitimacy and is a matter that the legal system must deal with. Men who beat their wives must be brought to justice.

46. Zanan 18 (June-July 1373/1994), 55-59.

Finally, in Zanan 19, the writer goes back to the verse and offers an alternative interpretation, which is indeed novel. Under the title "But Our Stand-point", Qa'eni argues that, first, we need to understand the real sense of the verse, and its underlying message. The verse, more than telling men how to punish their wives, tells them how to understand the psychology of women and the reasons for their disobeying. It is indeed about marital disharmony and how a man should respond if he fears that his wife might enter the state of nushuz. There are many underlying reasons for nushuz (itself a vague term, which can mean rebellion in general or denial of sexual access in particular). As some commentators remark, some women become 'rebellious' in order to seek further attention, some want to test their husband's love, and there are many other reasons. Qa'eni then examines the root radicals for three key words in the verse: wa'a²za, to exhort, hajara, to abandon, and daraba, to strike. He argues that, in the verse concerned, the first word enjoins the husband to reason with her, the second to give her space, and the third to strike her with fondness. To arrive at this, the author engages in a linguistic analysis whose gist is that in the Koran the word daraba has different senses whose meaning becomes clear in association with others (it means 'striking with awareness' in verses 75 and 76 of Nahl, 'travel' and 'speed in flight' in verse 156 of 'Umran, etc.). "Whenever daraba is used in the sense of beating it is in association with another word, for example in verse 27 of Mohammad and verse 44 of Suad." This is not the case in verse 34 of Sura Nisa where, he argues,

"daraba when read in bab al-af'al, and when taken in association with wa'a²za, no longer denotes beating. Therefore, the meaning of the verse could be that 'disobedient' women are of three kinds: those who need to be reasoned with; those who need to be left alone for a while; and those who need to be caressed, and taken to bed, rather than abandoned."⁴⁷

Conclusion

In the course of 19 Numbers, the legal sections of Zanan have not only refined a mode of argumentation but taken it to its logical conclusion by using it to tackle some hoary issues in the Shari'a. As is evident, the approach is that of fiqh texts: first, by reviewing the divergent positions of the Muslim jurists, the issue is introduced and placed in context; then diverse opinions of the jurists are scrutinized in the light of the Koran, hadith, ijma', reason and the practice of their time; finally, those which are contrary to the writer/s' position are refuted and those which are not are elaborated. Among the juristic and logical devices that Zanan's writer/s use/s, the following can be singled out: distinctions between the divine Law-Giver (Shar'-i Islam) and the mundane law-maker (the Islamic Republic), and between primary and secondary sources of Shari'a. While

47. Zanan 19 (August-Sept 1373/1994), 68-70.

primary sources are subjected to innovative interpretations, the secondary sources are debated and at times refuted by the aid of the former. It is argued that time and politics are among the decisive factors in upholding or modifying any Shari'a rule, even if it is rooted in explicit Koranic injunctions, which are in turn divided into two categories: *ilzami* (binding) and *irshadi* (guiding). At the same time the classical divide in the *fiqh* rules between moral and legal is challenged, and jurists are urged to give legal force to the former; finally they are reminded that the time for radical *ijtihad* has come. In this way, Zanan's writer/s is/are gradually but surely turning the classical texts on their head, using their own style of reasoning and argumentation.

The process is still unfolding; so is our understanding of it. However, some tentative conclusions can be offered at this stage.

Zanan's Shari'a discourse is not isolated, but is part and parcel of a new tendency within the centre of the religio-political establishment. This tendency, which can perhaps be best termed 'post-fundamentalist', represents the latest faction in post-war and post-Khomeini Iran. It is changing the very terms of not only the Shari'a discourse on women but that of the Islamic Republic, by arguing for a kind of demarcation between state and religion. Ironically, its most outspoken advocates were part of the early political leadership which defined the Republic's policy. This tendency has its intellectual core in Tehran, gathered around Dr Abdul Karim Soroush, the guiding inspiration of the Kiyān Cultural Institute, which publishes a monthly Kiyān - Zanan's brother paper - in which these views are aired.⁴⁸

This tendency advocates a brand of feminism which takes Islam, not the West, as its source of legitimacy. What is significant about this 'feminism', and especially its line of argument, is that it is grounded in a Shi'a discourse which is radically different from the official one - still closely identified with the position taken by Ayatollah Motahhari as part of the discourse of opposition to the Shah's reforms. Whereas Motahhari used Western scholarship to explain the reasons and the necessity for the different treatment of women is Islam, the new 'feminists' use Shi'a scholarship to argue that old texts should be reread in line with changed conditions. They take for granted gender equality on all fronts, including the rights accorded by the Shari'a, unlike Motahhari, who rationalized gender difference in terms of complementarity of rights. Again, in contrast to Motahhari's and other Shari'a-based discourses, the new tendency sees women's sexuality as defined and regulated by their familial and social circumstances, not by nature and divine will. By

48. For a journalist's account of Soroush's ideas, see R. Wright, "An Iranian Luther shakes the foundations of Islam," *The Guardian*, 1.2.1995. It is rumoured that this tendency has a clerical core in Qom, of which little is reported.

diverting the focus of fiqh away from women as sexual beings to women as social beings, the new discourse has opened a door that can no longer be closed. It has given a new lease of life to the old question of 'Women in Islam'; and by asking suppressed questions, it has brought about a shift in the very premises of the debate on women's role at home and in society. What made such a shift possible is the Islamic Republic's ideological understanding of Islam, which opens the way to challenging the hegemony of the orthodox interpretative process.

Finally one should note parallels in the emerging conditions of pre- and post-revolutionary Shari'a-based discourses. What gave rise to both were debates that preceded changes in family laws, especially those pertaining to divorce. In both cases, a women's magazine became the forum for this debate: *Zan-e Ruz* in the pre-revolutionary era, and now *Zanan*. Despite their differences, both discourses have provided an 'Islamic' alternative to the state-sponsored feminism of their time. What separates them is that, while in the 1960s such an 'Islamic' alternative was defined in opposition to the Shah's gender policies, now it is defined in opposition to those promoted by the Islamic Republic.

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The Muted Voices of Women Interpreters

Bouthaina Shaaban

There are few women interpreters in the history of Islam because women are seen to be the subject of the Islamic shari'a and not its legislators. Yet even the few interpreters who have appeared during the long history of Islam have been kept at the periphery, their views never allowed to influence Islamic legislation. Moreover, even men interpreters who were open-minded about women were marginalized and, in some cases, found their authority questioned. In this chapter I shall discuss the contribution to Islam of Muslim women interpreters, the concurrence between their views and the views of later men interpreters, and the deliberate marginalization of their thought by contemporary Islamists. I will focus on Nazira Zin al-Din as one of the more serious and knowledgeable Muslim women scholars of our time.

The first person to believe the message of the Prophet and to become a Muslim was Muhammad's wife Khadija Bint Khuwaylid, of whom the Prophet said: 'She believed when people did not, and believed me when others did not, and consoled me with her money when I was abandoned by others'.¹ The first martyr for the Islamic cause was a woman (Summiyya). Women attended the first and the second Aqaba Conferences (Bay'at al-Aqaba al-Awla wa'l-Thaniyya) believed to have founded the Islamic state in Yathrib.²

The first Muslim woman whose views have been important to Muslims throughout Islamic history was Aisha, wife of the Prophet. Muhammad's contemporaries, among them both the muhajerun (emigrants who followed him from Mecca) and the ansar (those who helped the Prophet in Medina) considered Aisha a source of religious rules and an expert on issues of Islamic legislation. When she was mentioned to Ata Bin Abi Rabah, he said: 'Aisha was the most knowledgeable Muslim and had the

1. Qadariyya Husayn, *Shahirat al-nisa' fi'l-'alam al-Islamiyya* (Famous Women in the Muslim World). Translated from Turkish by Abdol Aziz Amin al-Khanji (Cairo: Matba'at al'Sa'adeh, 1924), p.33.

2. Muhammad Shahrur, *al-Kitab wa'l-Qur'an* (The Book and the Qur'an) (Damascus: al-Ahali publishers, 1992), p 594.

best opinion in public affairs; she related 2210 sayings of the Prophet Muhammad among which are 170 which have been approved and Bukhari took 54 sayings from them.³ In *Arab Women in Jahiliya and Islam*, Abdol Sir Afifi writes: 'Muslim women scholars are known for their honesty in relating hadith and for their objectivity, which have rendered them free of intellectual suspicion, the things that most men were not fortunate enough to have.' In *Mizan al-I'tidal (The Scales of Moderation)*, al-Hafez al-Zahabi (died 748 IE, 1347 CE) a renowned Muslim authority on hadith, points to four thousand suspect Muslim hadith tellers and then adds: 'I have not known of any woman who was accused of falsifying hadith. To this we add, that from the time of Aisha, the mother of believers, until the time of al-Zahabi the sayings of the Prophet Muhammad were not kept or related by anyone as they were kept in the hearts of women and related by them.'⁴

The wives and women relatives of the Prophet Muhammad were not an exception in their age. Many women were scholars and teachers.⁵ Muhammad Bin Sa'id mentions over 700 women who related hadith from the Prophet Muhammad or from the muhajirun and ansar. Men scholars and pillars of Islam quoted these women.⁶ Thus Asma Bint Yazid bin al-Sakan al-Ansariyya is known to have related 81 sayings from the Prophet Muhammad and her uncle Mahmud bin Amr al-Ansari and Abu Sufian and others reported and quoted her. She is also known to have been a woman of science and a defender of women's rights. It is reported that she led a delegation of women to the Prophet Muhammad and said to him, 'I am the envoy of women to you. God has sent you to both men and women. We believed in you and in your God, but we as women are confined to our homes, satisfying your desires and carrying your children while you men go and fight, and go to haj and lead holy wars for the sake of God. When one of you goes to the battle field we keep your money for you, weave your clothes and bring up your children. Do we deserve to share your wages?'⁷ The Prophet Muhammad acknowledged that she represented women, and he answered her and the women who stood behind her.

Muslim women assumed political power as well as literary authority. They became queens, warriors, doctors, poets, and literary critics. Many won reputations for valor in battle and received praise from the Prophet

3. Husayn, op. cit., p. 74.

4. Abdol Sir Afifi, *al-Mara'a al-arabiyya fi jahiliyatihā wa Islamiha (Arab Woman in her Jahiliya and Islam)*, (Cairo: Matba'at al-Ma'arif, 1933), p. 138.

5. *Ibid.*, p. 139.

6. *Ibid.*, p. 142.

7. Fatima al-Batoul Mersa, 'Muslim Women in Arab History,' *al-Ahram*, Cairo, 15 April 1989, P. 5.

and his followers. Clearly, the role of women was not confined to encouraging men and treating their wounds; they also played an active part in defending their tribe and their cause. Ismat al-Din, known as Shajarat al-Dur, was the first woman in Islam to assume a throne in her own right. Her husband, king Sala al-Din, died during the crusaders' invasion of Egypt. She continued to issue military and operational orders, keeping the news of his death secret for over two months to avoid undermining the morale of the troops. She found a man named Swab al-Suhayla who forged her husband's handwriting so well that no one doubted that the orders were issued by the king himself. She drew up plans, encouraged soldiers and instructed officers to lead the battle against the crusaders during which King Louis IX of France (Saint Louis) was captured, making Shajarat al-Dur's victory final. Once the battle was over and victory secured, Shajarat al-Dur announced her husband's death, gave him a royal funeral, and openly assumed the throne. Shajarat al-Dur was mentioned in Friday prayers and money was coined in her name.⁸ She was known as a 'knowledgeable queen who is deeply informed of matters, big and small. People felt optimistic during her rule and the poor enjoyed her good deeds. Her government was not authoritarian and she would not make a decision until she convened a council of consultants and listened to the opinions of her ministers and advisers.'⁹ Women have also ruled in other Muslim countries. In Yemen there was more than one queen after the fifth/tenth century. The best known among them, Queen Orpha (died 484/1090) assumed total political authority which included planning and executing wars. In the thirteenth century many women were top leaders in Islamic countries, among them Sultana Radia in Delhi and Turkan Khatun, Safwat al-Din Malik Khatun, Sati Bik Khan and Tendo in Central Asia. In the same century, queens ruled Indonesia for 24 years, without interruption and carried names such as 'Taj al-Alam' (The Crown of the World), and 'Nur al-Alam' (The Light of the World).

Muslim women were poets and literary critics. First among such critics is Sukayna Bint al-Husayn who was the ultimate judge of poetic production in her time. Poets travelled long distances in order to recite their poetry and obtain her judgement, which could affect the future course of a poetic career.¹⁰ Aisha Bint Talha followed in the steps of Sukayna, meeting with poets and story tellers at her home, listened to them, and judged their literary production.¹¹ Women also played an important role in medicine for which Arabs were renowned. They

8. Hussein, op. cit., p. 179.

9. Ibid., pp. 179-180.

10. See Afifi, op. cit., part two, p. 147.

11. Ibid., pp. 147-149.

practiced in Baghdad, Qurtaba, and other cities in Iraq and Andalus.¹² However, their names and their contributions in different fields still await proper recording and authoritative documentation. The information, scattered in books, journals, and newspapers, has not been classified properly in archives and therefore is not yet a part of the mainstream historiography of Islam. Indeed, more often than not, the role of women in Muslim history has been marginalized and obscured, sometimes totally reversed, depending on the whims of men scholars.

Nazira Zin al-Din and Textual Interpreters

'As women have the right to participate in public governing they also have the explicit right to participate in Qur'anic interpretation and explanation. Women are better qualified than men to interpret the Qur'anic Verses speaking of their rights and duties because everyone is better equipped to understand his or her right and duty,'¹³ writes Nazira Zin al-Din in *al-Fatat wa'l-shiukh*. Nazira Zin al-Din is the most serious and knowledgeable of the women Muslim scholars and interpreters to date. She is the daughter of Shaykh Sa'id Sin al-Din, a judge and the first president of the court of appeal in Lebanon in the 1920s. She was encouraged by her father to study. She tried to understand why Muslim women at the time were kept at home wrapped in darkness that covered not only their bodies but also their minds. The answer was that Islam was responsible. She studied the Qur'an and hadith and arrived at her own conclusions regarding the position of women in Islam. Although she was only 20 years of age when her books were published, her work is a significant source of reference on the relations between men and women in Islam. Very little is known about her personal life except that she is from a Druzi (Shi'i) sect. Her conclusions showed that Islam is not the reason behind the inferior status of women. The main reason is the gender-biased interpretation of the Qur'anic text by men of religion. When her first book was published, men of religion announced their stand against Zin al-Din and started distributing pamphlets against her; they incited demonstrations against the book and threatened the owners of bookshops who carried it. They accused her of atheism and treason. Her answers were sober, based on logic and clear evidence.

Nazira Zin al-Din made a thorough study of the Qur'anic texts and hadith concerning women, their rights, and their duties. Her two books, *al-Sufur wa'l-hijab*¹⁴ and *al-Fatat wa'l-shiukh*, are perhaps the best scholarly studies available of Islamic texts and their interpretations

12. *Ibid.*, pp. 153-154.

13. *al-Fatat wa'l-shiukh*, printed by Nazira Zin al-Din's father Sa'id Bik Sin al-Din (Beirut, 1929), p. 75.

14. Nazira Zin al-Din, *al-Sufur wa'l-hijab* (Beirut: Quzma Publications, 1928), p. 37.

dealing with women. Both are controversial, but the first is more so because it touches on the most sensitive issue in contemporary Islam, namely hijab.

In the introduction to *al-Sufur wa'l-hijab*, Nazira Zin al-Din writes that although she had always been interested in women's rights, what prompted her to write this book were the incidents in Damascus in the summer of 1927, in which Muslim women were deprived of their freedom and prevented from going out without hijab. 'I took my pen trying to give vent to the pain I feel in a brief lecture,' Zin al-Din says, 'but could not stop writing and my pen had to follow in the trace of my injured self until the lecture became lectures too long to be delivered or attended.' In this book, Zin al-Din starts from the premise that she is a Muslim woman who believes in God, in his Prophet Muhammad, and in the holy Qur'an, and that all her arguments are informed by those beliefs.

According to Zin al-Din, the Islamic shari'a is not what this or that Muslim scholar says, but what is in the Qur'an and in the hadith. She argues that men have drawn up laws without the slightest participation by women. Yet even major interpreters of Islam such as Baydawi, al-Nusufi, and Tabari did not agree on the meaning of the Qur'anic text in such matters as geography, history, and astronomy, or, for that matter, on rituals and appropriate behavior, one should, therefore, go back to the Qur'an and the sunna to attain knowledge on all religious matters. She writes:

"When I started preparing my defence of women, I studied the works of interpreters and legislators but found no consensus among them on any subject; rather, every time I came across an opinion, I found other opinions that were different or even contradictory. As for the aya(s) concerning hijab, I found over 10 interpretations, none of them in harmony or even agreement with the others as if each scholar wanted to support what he saw and none of the interpretations was based on clear evidence."¹⁵

Zin al-Din argues that Islam is based on freedom of thought, will, speech, and action, and that no Muslim has authority over another Muslim in matters of religion, mind, and will. She cites many verses from the Qur'an to show that God did not want even his Prophet to watch over the deeds or misdeeds of Muslims: 'He who obeys the Apostle, obeys God; but if any turn away, We have not sent thee To watch Over their evil deeds' (Sura al-Nisa', Aya 80). God also said, addressing his Apostle: 'If it had been God's Plan, they would not have taken false gods: but We Made thee not one to watch over their doings, Nor art thou set Over them to dispose of their affairs' (Sura al-An'am, Aya 107). And then in another sura: 'Therefore do thou give Admonition, for thou art One to

15. *Ibid.*, p. 37.

admonish. Thou art not one To manage (men's) affairs' (Sura al-Ghashiya, Aya 21-22). Zin al-Din then argues that if God did not allow the Prophet Muhammad to watch over people's deeds, how do other Muslims assume for themselves such a privilege? Through well-chosen and well-placed quotations from the Qur'an and hadith, Zin al-Din establishes that Islam is the religion of freedom and that Muslims are only accountable to their God. The claims of some Islamists to be the custodians of Islamic practices are therefore against the very spirit of Islam. The Prophet was also instructed to 'Invite all to the Way of thy Lord with wisdom And beautiful preaching; And argue with them In ways that are best And most gracious: For thy Lord knoweth best, Who have strayed from His Path' (Sura al-Nahl, Aya 125). God also said: 'And dispute ye not With the People of the Book, Except with means better (Then mere disputation), unless It be with those of them Who inflict wrong (and injury): But say, 'We believe In the Revelation which has come down to us and in that Which came down to you' (Sura al-Ankabut, Aya 46).

Through these citations and many similar ones, Zin al-Din argues that the question of belief or non-belief and the question of carrying out the instructions of Islam are matters between God and the individual. Not one on earth, not even God's apostle, is responsible for those who believe or those who do not, and no measures should be taken against those who refuse to be Muslims. Any logical arguments should be used, and used kindly; true belief should stem from the heart and generate a feeling of satisfaction and inner peace, for 'If it had been thy Lord's Will, They would all have believed, All who are on earth. Wilt thou then compel mankind Against their will, to believe!' (Sura Yunus, Aya 99). In an aya that bears no possible other interpretation, God says 'Let there be no compulsion in religion: Truth stands out clear from Error' (Sura al-Baqara, Aya 256). In citing these and many other similar ayas from the Qur'an, Zin al-Din establishes that Muslims are responsible only to their God and that no authority on earth has the right to be God's representative, especially as God's Apostle was not allowed to watch over the deeds of Muslims. She convincingly argues that this is a lesson to all Muslims that no one on earth, not even the Prophet Muhammad, is authorized by God to punish people for their lack of faith, as all Muslims are free in will and thought; it follows, then that Muslim women are free in will and thought. The problem lies with the laws legislated in the name of the Islamic shari'a; laws that are in total contradiction to the spirit of Islam. She complains that the practices of some religious authorities violate Islam and God's shari'a; 'It is a great shame that some Muslim local authorities dare to disobey the words of God and impose constraints on the freedom of Muslim women in towns, while non-Muslim women in towns and Muslim women in the countryside enjoy their full freedom.'¹⁶

16. *Ibid.*, p. 21.

There is no basis in the Qur'anic text for the idea that men are better than women. God prefers the most pious regardless of gender: 'O mankind! We created You from a single (pair) Of a male and female, And made you into Nations and tribes that Ye may know each other (Not that ye may despise Each other). Verily The most honored of you In the sight of God Is (he who is) the most Righteous of you, And God has full knowledge And is well acquainted (With all things)' (Sura al-Hujurat, Aya 13). God also stated in the Qur'an: 'O mankind! reverence Your Guardian Lord, Who created you From a single Person, Created, of like nature, His mate, and from them twain Scattered (like seeds) Countless men and women' (Sura al-Nisa', Aya 1). Again it is stated in the Qur'an 'It is He Who hath Produced you From a single person' (Sura al-An'am, Aya 98).

Zin al-Din attributes the idea that men are superior to women to the state of servitude to which women have been reduced throughout the ages. She draws a parallel with slavery: 'That was the case of each nation reduced into slavery and of each people deprived of their freedom. No one slave ever excelled before gaining his freedom because the injustice imposed on him exhausts the powers of his mind and prevents its effects from emerging.'¹⁷ Women's inferior social status has nothing to do with their mind or religion. Was the inequality that prevailed between the serf and the master the result of the former's shortcomings? There is not a single aya that grants men a degree over women in either mind or religion: 'If any one do deeds Of righteousness, Be the Male for Female And have faith, They will enter Heaven, and not the least injustice Will be done to them' (Sura al-Nisa', Aya 124).

Zin al-Din's advocacy against the veil does not aim at depriving women of their status as mothers, nor does she wish to lower their status to that of mere imitators of men. Her advocacy is prompted by her belief that knowledge rather than ignorance preserves women's dignity and morality.¹⁸ She cites Muslim scholars, including Shaykh Muhammad Abduh, Shaykh Badr al-Din al-Na'sani, Shaykh Yusuf al-Faqih, Shaykh Jamal al-Din al-Afghani, Muhyi' Din al-Arabi and Shaykh Mustafa al-Ghalayini, who decried the distortion of the hadith and insisted that Islam does not accept judgement without evidence and clear proof. Those authorities insisted that we only follow what God Himself has stated in the Qur'anic text and what his Apostle has explained.¹⁹

Zin al-Din divides her evidence against hijab into two parts: intellectual and religious. She first cites intellectual and historical arguments contending that hijab encourages immorality rather than morality and decent behaviour. Masking identity is an obvious incentive

17. *Ibid.*, p. 69.

18. *Ibid.*, p. 27.

19. See *ibid.*, pp. 42-48.

for wrongdoing: 'Can't men see that thieves and murderers mask their true identities in order to have the nerve to commit crimes?'²⁰ She explains that 'fear of social disgrace is one of the strongest imperatives that restrain people from wrong doing. Why do men deny women this important imperative?'²¹ She goes on to ask, 'How could serfdom be an incentive to morality? Only if darkness could be the source of light and death the cause of life and annihilation the reason for existence!' Zin al-Din stipulates that the morality of the self and the cleanness of the conscience are far better than the morality of the chador. No goodness is to be hoped from pretence; all goodness is in the essence of the self.

Zin al-Din also argues that imposing the veil on women is the ultimate proof that men suspect their mothers, daughters, wives and sisters of being potential traitors to them. This means that men suspect 'the women closest and dearest to them. What quality of life do they live if they are in a perpetual state of suspicion about their mothers, daughters, sisters and wives, fearing all the time their betrayal?'²² How can society trust women with the most consequential job of bringing up children when it does not trust them with their faces and bodies? How can Muslim men meet rural and European women who are not veiled and treat them respectfully but not treat urban Muslim women in the same way? She concludes this part of the book by stating that it is not an Islamic duty on Muslim women to wear hijab. If Muslim legislators have decided that it is, their opinions are wrong. If hijab is based on women's lack of intellect or piety, can it be said that all men are more perfect in piety and intellect than all women?

Zin al-Din then wonders how some people can consider hijab and the total withdrawal of women from public life a sign of their honor and dignity. An honorable woman is someone who does useful things for both herself and for others. If all women are locked behind walls or behind hijab, how can we distinguish one from the other? The spirit of a nation and its civilization is a reflection of the spirit of the mother. How can any mother bring up distinguished children if she herself is deprived of her personal freedom? She concludes that in enforcing hijab, society becomes a prisoner of its customs and traditions rather than of Islam.

In the second part of the book, Zin al-Din sets out to prove that neither the text of the Qur'an nor the hadith require Muslim women to wear hijab. The ayas in the Qur'an concerning hijab are four, two of them addressed to the wives of the Prophet and two to Muslim women in general. She cites each of the two groups of ayas, discusses all the explanations stated in interpretive texts, cites the ayas against these

20. *Ibid.*, p. 125.

21. *Ibid.*, p. 125

22. *Ibid.*, p. 135.

interpretations, and finally reaches her own conclusions. The first two ayas about the wives of the Prophet Muhammad (32 and 53) of Sura al-Ahzab read as follows:

“O consorts of the Prophet! Ye are not like any Of the (other) women: If ye do fear (God), Be not too complaisant Of speech, lest one In whose heart is A disease should be moved With desire: but speak ye A speech (that is) just. And stay quietly in Your houses, and make not A dazzling display, like That of the former Times Of Ignorance; and establish Regular Prayer, and give Regular Charity; and obey God and His Apostle. And God only wishes To remove all abomination From you, Members Of the Family, and to make You Pure and spotless. And recite what is Rehearsed to you in your Homes, of the Signs of God And His Wisdom; for God understands The finest mysteries and Is well-acquainted (with them).” (Ayas 32-4, of Sura al-Ahzab).

The second aya concerning the wives of the Prophet (53) says:

“Ye who believe! Enter not the Prophet’s houses, Until leave is given you, For a meal, (and then) Not (so early as) to wait For its preparation; but when Ye are invited, enter; And when ye have taken Your meal, disperse, Without seeking familiar talk. Such (behavior) annoys The Prophet; he is ashamed To dismiss you, but God is not ashamed (To tell you) the truth. And when ye Ask (his ladies) For anything ye want, Ask them from before A screen; that makes For greater purity for Your hearts and for theirs. Nor is it right for you That ye should annoy God’s Apostle, or that Ye should marry his widows After him at any time. Truly such a thing is In God’s sight an enormity.”

Zin al-Din reviews the mainstream interpretations of these ayas in the best known books of tafsir (the interpretation of the Qur’an), namely al-Tafsir al-mawsum bi-anwar al-tanzil wa asrar al-ta’wil (The Interpretation Characterized By the Lights of Inspiration and the Secrets of Understanding) by the judge Baydawi, Tafsir al-Qur’an al-jalil (The Interpretation of the Glorious Qur’an) by Imam Ala al-Din al-Sufi known as al-Khazin; Madarik al-tanzil wa haqa’iq alta’wil (Domains of the Text and Truths of Interpretation) by Imam Abdullah al-Nafasi, which is a comment on al-Khazin’s interpretation, and Mujama’al-bayan fi tafsir al-Qur’an (The Cluster of Evidence in Interpreting the Qur’an) by Imam al-Tabari. They all agree that these ayas are addressed to the wives of the Prophet and not to other Muslim women, although they differ on the reasons that caused these ayas to be sent by God to his Prophet. Al-Nasafi adds that when these ayas were addressed to the wives of the Prophet, other Muslim women asked why were they not addressed by God? After that the aya ‘Muslim men and Muslim women, etc.’ was conveyed to the Prophet. Challenging those Muslim interpreters who claim that these ayas call on the wives of the Prophet or all Muslim women to stay at home and inactive, Zin al-Din draws upon many examples of women active in all walks of life during the time of the Prophet and his caliphs. In

The Status of Woman in Islam by Prince Ali Khal and in The Rights of Women in Islam by Ahmad Agayeeve, it is stated that Fatima al-Zahra, the daughter of the Prophet, gave lessons and lectures to both men and women and that Shaykha Shanda (5th/11th), known as the Pride of Women, gave lectures and lessons in the schools and mosques of Baghdad in literature, history, fiqh and religion. Imam Shafi'i learned at the hands of Nafisi, who was the grand-daughter of Ali Bin Abi Talib and wife of Ishaq, son of Jafar al-Sadiq. Qatar al-Nada, wife of the caliph al-Mu'tad and mother of al-Muqtadir, met in the presence of ministers the ambassadors of foreign countries and reviewed people's cases every Friday with judges and advisors in her audience. In brief, Muslim women remained in mixed company with men until the late sixth century IE (eleventh century CE). They received guests, held meetings, and went to wars helping their brothers and husbands defend their castles and bastions.²³

The other two ayas that are usually taken to justify the imposition of hijab on Muslim women are Aya 30 from Sura al-nur and Aya 59 from Sura al-ahzab. The first aya reads:

"Say to the believing men That they should lower Their gaze and guard Their modesty: that will make For greater purity for them: And God is well acquainted with all that they do. And say to the believing women that they should lower Their gaze and guard Their modesty; that they Should not display their beauty and ornaments except What (must ordinarily) appear Thereof; that they should Draw their veils over Their bosoms and not display Their beauty except to their husbands, their fathers, Their Husband's fathers, their sons, Their husband's sons, Their brothers or their brothers' sons, Or their sisters' sons, or their women, or the slaves Whom their right hands Possess, or male servants Free of physical needs, Or small children who Have no sense of the shame of sex; and that they Should not strike their feet In order to draw attention To their hidden ornaments."

Aya 59 from Sura al-Ahzab reads: 'Prophet! Tell Thy wives and daughters, And the believing women, That they should cast Their outer garments over their persons (when outside): That is most convenient, That they should be known (As such) and not molested.'

Zin al-Din reviews the interpretations of these two ayas by al-Khazin, al-Nasafi, Ibn Masud, Ibn Abbas and al-Tabari and find them full of contradictions. Yet, almost all interpreters agreed that women should not veil their faces and their hands and anyone who advocated that women should cover all their bodies including their faces could not base his argument on any religious text. If women were to be totally covered, there would have been no need for the ayas addressed to Muslim men:

23. See *ibid.*, pp. 191-192.

'Say to the believing men that they should lower their gaze and guard their modesty.' (Sura al-Nur, Aya 30). She supports her views by referring to the sayings of the Prophet Muhammad, always taking into account what the Prophet himself said, namely, that everything has to be referred back to the book of God and anything that is inconsistent with it is an ornament. 'I did not say a thing that is not in harmony with God's book.'²⁴ When ordering the wives of the Prophet to wear hijab for special reasons relating to the house of the Prophet, God, as if He feared that Muslim women might imitate the wives of the Prophet, stressed: 'O consorts of the Prophet! Ye are not like any of the (other) women' (Ahzab, 53). Thus it is very clear that God did not want us to measure ourselves against the wives of the Prophet and wear hijab like them and there is no ambiguity whatsoever regarding this aya. Therefore, those who imitate the wives of the Prophet and wear hijab are disobeying God's will. In *Islam ruh al-madaniyya (Islam: The Spirit of Civilization)* Shaykh Mustafa Ghalayini reminds his readers that veiling pre-dated Islam and that Muslims learned from other peoples with whom they mixed. He adds that, 'hijab as it is known today is prohibited by the Islamic shari'a. Any one who looks at hijab as it is worn by some women would find that it makes them more desirable than if they went out without hijab.'²⁵ A similar argument is produced by Zin al-Din based on interviews she conducted with women before and after wearing hijab.

Zin al-Din points out that Islam is not confined to a few urban Muslim women or to some known families in rural societies. Veiling was a custom of rich families as a symbol of status. She quotes Shaykh Abdul Qadir al-Maghribi who also saw in hijab an aristocratic habit to distinguish the women of the rich and prestigious families from other women. She concludes that hijab as it is known today is prohibited by the Islamic shari'a.²⁶

In the fourth part of the book Zin al-Din discusses the answers, objections, and reactions that she received from such important Muslim authorities as Shaykh Sa'id al-Baghdadi, Shaykh Muhammad Ibrahim al-Qayati al-Azhari from the school of Azhar University in Cairo, Shaykh Muhammad Rahim al-Tarabulsi and Shaykh Mustafa al-Ghalayini. It appears that the heated arguments that followed the publication of her first book only made her stronger in her defence of women's rights. She dedicated her first book to her father, her second book to all women: 'Because you have the spirit of the mother and because I believe that reform in the East is built on the basis of freedom and your struggle for what is right. May you have an overflow of God's light.'

24. *Ibid.*, p. 226.

25. Shayk Mustafa al-Ghalayini, *Islam ruh al-madaniyya (Islam: The Spirit of Civilization)* (Beirut: al-Maktabah al-Asriyya, 1960), p. 253.

26. *Ibid.*, pp. 255-256.

Nazira Zin al-Din had her supporters. Writer Amin al-Rihani, head of the Syrian government Taj al-Din al-Husni, and Education Minister Muhammad Kurd Ali²⁷ sent her letters of support. The French Consul in Beirut wrote to her that he ordered parts of her book to be translated so that he could study it. She was the talk of Cairo, Alexandria, Damascus, Aleppo, and Baghdad. The Lebanese emigrants in Argentina, the United States, and Brazil sent her letters and wrote in their local newspapers in her support. The book was reviewed in major journals and newspapers in Damascus, Beirut, Cairo, New York, Buenos Aires, São Paulo, Baghdad, Aleppo and she received letters from men of religion, heads of state and governments, and from editors and publishers all over the world.

At least three Muslim scholars agreed with Zin al-Din's arguments and raised similar concerns about the necessity of sifting Islamic legislation from rumors and falsifications which later became part of Islamic practices. Shaykh Muhammad al-Ghazali in his book *Sunna Between Fiqh and Hadith*²⁸ argues that women can assume any post they are qualified to assume except that of the caliph and this, he insists, is the rule of true Islam. He declares that those who claim that women's reform is conditioned by wearing the veil are lying to God and his Prophet. None of the four Imams has said that seeing a woman's face is an offence. In total harmony with Zin al-Din's arguments Shaykh Muhammad al-Ghazali expresses the opinion that the contemptuous view of women has been passed on from the first jahiliya (the Pre-Islamic period) to the Islamic society. He uses the same argument, citing the same aya as cited by Mustafa Ghalayini²⁹ in order to prove that Muslim women do not have to cover their faces and hands. Al-Ghazali's argument is that Islam has made it compulsory on women not to cover their faces during haj and salat (prayer) the two important pillars of Islam. How then could Islam ask women to cover their faces at ordinary times?³⁰ Through his detailed study of the time of the Prophet Muhammad he reaches the conclusion that it was a time when *sufur* was prevalent.³¹ He stresses that 'looking down at women is a crime in Islam, and that true Islam rejects the customs of nations which impose constraints on women or belittle their rights and duties.'³² Hence, according to al-Ghazali, our customs and habits should be scrutinized in order to leave only what is closely connected with the Islamic shari'a and our adherence to these rules should be in proportion to their harmony with the Qur'anic text.

27. Zin al-Din, *al-Fatat wa'l-shiukh*, op. cit., part 3, pp. w-6.

28. Shayk Muhammad al-Ghazali, *Sunna Between Fiqh and Hadith* (Cairo: Dar al-Shuruq, 1989, 7th edition, 1990).

29. Ghalayini, op. cit., p. 254.

30. al-Ghazali, op. cit., p. 44.

31. *Ibid.*, p. 49.

32. *Ibid.*, p. 52.

Like Zin al-Din, al-Ghazali is a believer and is confident that all traditions that function to keep women ignorant and prevent them from functioning in public are the remnants of jahiliya and that following them is contrary to the spirit of Islam. God said in the Glorious Qur'an: 'The Believers, men and women, are protectors, One of another; they enjoin What is just, and forbid What is evil: they observe Regular prayers, practice Regular charity, and obey God and His Apostle. On them will God pour His mercy: for God is exalted in power, Wise.' (Sura Tauba, Aya 71) Like Zin al-Din, Shaykh Ghazali insists on a basic Muslim right to compare different interpretations and different versions of Islamic sayings and to choose the more reasonable and the more useful to follow. The easier to adopt for Islam is the religion of yusur (flexibility) and not of usur (intransigence). As a Muslim scholar, he rejected the undermining of women's will in marriage and was not against her initiating marriage if her situation required it. Efficient and knowledgeable women should be able to assume any post they like except that of the caliph. Women can consult and give their opinion and the weight of their opinion is in proportion to its validity and correctness. He says 'we don't yearn to make women heads of state or government, but we yearn for one thing, a head of state or government should be the most efficient person in the nation.'³³ Commenting on all these wrong attitudes to women al-Ghazali says that during the time of the Prophet women were equals at home, in the mosques and on the battlefield. Today true Islam is being destroyed in the name of Islam.

Another Muslim scholar, Abd al-Halim Abu Shiqqa, who wrote a scholarly study of women in Islam entitled *Tahrir al-mara'a fi'asr al-risalah* (The Emancipation of Women during the Time of the Prophet)³⁴ agrees with Zin al-Din and al-Ghazali about the discrepancy between the status of women during the time of the Prophet Muhammad and the status of women today. He says:

"Through my study of the time of the Prophet I found texts and sayings of the Prophet which show women acting in all kinds of professions in total difference to what we see, understand and interpret today. This great discrepancy explained to me why so many women got away from (Islam) because it simply deprived them of the rights of life; that is why I felt it my duty to offer the women from the habits and rules of jahiliyya which are mistakenly thought to be Islamic."³⁵

He agreed with Zin al-Din and al-Ghazali that Islamists have made up sayings which they attributed to the Prophet such as 'women are lacking in both intellect and religion' and in many cases they brought sayings

33. *Ibid.*, p. 56.

34. Abd al-Halim Abu Shiqqa, *Tahrir al-mar' fi 'asr al-risalah* (Kuwait: Dar al-Qalam, 1990).

35. *Ibid.*, p. 5.

which are not reliable at all and promoted them among Muslims until they became part of the Islamic culture.

Like Zin al-Din and al-Ghazali, Abu Shiqqa finds that in many countries very weak and unreliable sayings are invented to support customs and traditions which are then considered to be part of the shari'a. Like Zin al-Din, he argues that the text of the Qur'an proves that both men and women are from the same self and quotes the same aya that Zin al-Din quotes: 'O mankind! reverence Your Guardian Lord, Who created you From a single Person, Created, of like nature, His mate, and from them twain Scattered (like seeds) countless men and women; Reverence God, through Whom Ye demand your mutual (rights), and (reverence) the wombs (That bore you): for God Ever watches over you.' (Sura Nisa', Aya 1) He Argues that it is the Islamic duty of women to participate in public life and in spreading good: 'The Believers, men and women, are protectors, One of another: they enjoin what is just, and forbid what is evil.' (Sura Tauba, Aya 71) It is the same aya quoted by Imam Muhammad al-Ghazali to prove the same point.

As for those who prevent women from going to work, Abu Shiqqa answers: 'if women are prevented from going out to work, what is the meaning of the following aya: 'Do not desire what God had granted to others; For men a share of what they earn and for women a share of what they earn' (Sura Nisa' Aya 32). He also agrees with Zin al-Din and Ghazali that hijab was for the wives of the Prophet and that it was against Islam for women to imitate the wives of the Prophet. If women were to be totally covered, why did God ask both men and women to lower their gaze. (Sura al-Nur, Aya(s); 30-1) In most of his arguments he cites the same verses cited by Zin al-Din and shows a similar understanding of them. There is no difference at all between Zin al-Din, al-Ghazali and Dr Abdol Halim Abu Shiqqa.

Shaykh Muhammad Husayn Fadl Allah, in his book *Ta'amulat Islamiyya hawl al-mara'* (Islamic Speculations About Women),³⁶ also agrees with these three Muslim scholars on most issues concerning women's hijab, freedom, work and political responsibilities. He stresses that Islam sees men and women as one in humanity and responsibility.³⁷ Islam neither absolves women from their responsibilities nor does it undermine their femininity. Quite the contrary: Islam stresses that women should feel and enjoy their beauty but without any display or attempts to provoke desire. This is precisely the understanding of Zin al-Din and al-Ghazali of Aya 59 of Sura al-ahzab that is taken by some Muslim scholars to mean the imposition of hijab on all Muslim women. It is almost certain that a

36. Shayk Muhammad Husayn Dadl Allah, *Ta'amulat Islamiyya hawl al mara'* (Beirut: Dar al-Milak, 1992).

37. *Ibid.*, p. 25.

comparative study of the works of these four Muslim scholars would yield fruitful results. It was Muhammad al-Ghazali who wrote an introduction to Abu Shiq'a's book, *Tahrir al-mara' fi 'asr al-risalah*. In this introduction, al-Ghazali says: 'I wish this book had appeared centuries ago and exposed women's issues in Islamic society in such a mature way. Because Muslims have deviated from the instructions of their religion in dealing with women, dark rumors and fabricated hadith spread among them leaving Muslim women deep in ignorance, quite removed from religion and life ... This book takes Muslims back to the correct sunna of their prophet with no minus or plus.'³⁸

While the views of the three Muslim men writing over half a century after Zin al-Din are given some space in Arabic papers and journals, Zin al-Din has not been referred to either by them or even by a woman scholar like Fatima Mernissi who addresses the same subject.³⁹ One wonders what would have happened to Zin al-Din had she published her books in the 1990s instead of the 1920s? Would she find any shaykh to answer her arguments or would she be silenced in one way or another? One cannot help drawing comparisons with Taslima Nasrin, whose statements on Islam are not yet properly quoted, nor is it precisely known what she actually said. Yet some Islamists have called on Muslims to kill her. There is no aya in the Qur'an that allows any Muslim, not even the Prophet Muhammad himself, to subscribe to killing another person simply because he or she has expressed views that contradict the view of a certain Muslim scholar, school, or group. I can only agree with what Lisa Beyer wrote in her article 'Life Behind the Veil': 'If the wives of Muhammad lived in parts of the contemporary Islamic world, they might be paying a high price for their independence'.⁴⁰

38. Abu Shiq'a, op. cit., p. 5.

39. al-Harim al-siyassi; *al Nabi wa'l-nisa'* (Political Harim; The Prophet and Women) Translated by Abd al-Hadi Abbas (Damascus: Dar al-Hasad, 1990).

40. Time, Fall 1990, p. 37.

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The Shahrur Phenomenon: a Liberal Islamic Voice from Syria

Peter Clark

In the early 1990s the Arab world has witnessed an extraordinary publishing phenomenon. An 800 page book on Islam, *Al-kitab wa'l-qur'an: qira'a mu'asira* (The Book and the Qur'an: a contemporary reading), was first published by the Ahali Publishing House Damascus in 1990. The book challenges a millennium of Islamic tradition. It is highly critical of the social, political and intellectual state of contemporary Arab countries. The author has been denounced as 'an enemy of Islam' and as 'a Western and Zionist agent'. To date eleven other books have been written attacking his theses. Yet the book has been repeatedly reprinted and has sold 20 000 copies in Syria alone. And despite bans, tens of thousands of further copies, as well as pirated, faxed and photocopied versions, have circulated in Lebanon, Jordan, Egypt and the Arabian Peninsula.

The author, Professor Muhammad Shahrur, is a mild-mannered professor of Civil Engineering who was born in Damascus in 1938. After secondary school in Damascus Muhammad went to the Soviet Union to study engineering in Moscow. He was not a Marxist though he was challenged by the Marxist dialectic. He owed far more, he has told me, to Hegel and to Alfred North Whitehead. He returned to Syria in 1964 to teach at the university and was due to do research at Imperial College London in 1967. The June war with Israel that year and the consequent break in diplomatic relations between Britain and Syria put an end to that. Instead he went to Dublin and completed a Master's degree, and a PhD for a thesis on soil mechanics and foundation engineering. For the last twenty years he has been teaching at the University of Damascus. He is also a partner in an engineering consultancy.

He has followed up the first book with a sequel, *Dirasat islamiyya mu'asira fi l-dawla wa'l-mujtama'* (Contemporary Islamic Studies on State and Society), under 400 pages, published also by Ahali of Damascus in 1994, which elaborates and extends some points made in the earlier book. A third volume is promised at the end of 1996.

Shahrur is stating the secular liberal case for Islam. He 'deconstructs' the Qur'an and is highly critical of the tradition of fiqh (jurisprudence) that has distorted the message of Islam, and had a stifling effect on Arab Islamic society. Throughout the two books he affirms his own faith as an Arab Muslim. He follows references to the Prophet Muhammad with the letters, for the formalistic invocation, *salla allahu 'alayhi wa sallam*. Similarly he refers to Allah with the extolment *subhanahu wa ta'ala*.

His methodology, the use he makes of that methodology, his historical interpretations and his own positive view of Islam are very different from conventional received traditions of Islam.

I propose to outline Shahrur's methods and arguments and to assess the impact of his work. I am not an expert in fiqh or tafsir (qur'anic exegesis). Nor is it possible in the space to discuss all Shahrur's ideas. He may disagree with aspects of my presentation. This is all unavoidable when considering over 1000 pages of closely argued theology.

References henceforth will be to the texts of his two books. KQ refers to the *Al-kitab wa'l-qur'an*, DIM to the *Dirasat islamiya mu'asira*. Translations from the Qur'an are from *The Meaning of the Glorious Koran*, the translation of Muhammad Marmaduke Pickthall, of which there have been many editions.

Shahrur asserts the timelessness of the Qur'an. It is the word of Allah as interpreted by the Prophet Muhammad, his contemporaries and immediate successors (KQ, 36). However there is a direct dialogue between the reader and the text and today's Muslims must concentrate on that text and by-pass the intermediary of the traditions of tafsir. The Qur'an should be read as if the Prophet Muhammad had only recently died (KQ, 41). Just as the Prophet, his contemporaries and his immediate successors understood the text of the Qur'an in the light of their intellectual capacities and of their perception of the world, so we should read and understand it in the light of ours. A key concept of Shahrur's is *ardiyya 'ilmiyya* or *ardiyya ma'rifiyya* which might be translated as 'scientific premises'. (Shahrur himself prefers the rendering 'scientific background'.) Seventh-century Arabia had a limited concept of the principles determining the natural world, but the history of scientific discovery has been one of continuous expansion of what was known and the diminishing of what was unknown (KQ, 43). These subsequent scientific discoveries and new hypotheses give us a greater understanding of particular passages in the Qur'an. For example, modern theories of the creation of the world and of the existence of hydrogen are anticipated in the first three verses of Surat al-Fajr (KQ 235); Darwinism in Surat al-Zumar (KQ, 280). Thus the Qur'an needs to be read and re-read in the light of developing and changing premises. Qur'an studies are dynamic. The Qur'an itself appeals to those who are *rasikhu-n fi al-'ilm* (those who

are of sound instruction) or ulu al-albab (men of understanding) (Surat al-Imran, 7). The relationship between reader and text is bound to change over the centuries. It will continue to change to the end of time (KQ, 192).

In order to understand the text of the Qur'an each word has to be analysed in the light of what we know, not as has been told us by the traditions of fiqh (KQ, 182).

Shahrur looks hard at the meaning and possible variant meanings of most of the key words of the Qur'an. In this analysis he relies largely on standard classical dictionaries. His analyses enlighten and explain some points anew. I will give a few examples.

The Qur'an was revealed by a process that is described sometimes as *inzal*, sometimes as *tanzil* (KQ, 147-151). Translations do not always make a distinction between the two verbal nouns. Shahrur does, looking at all the references to both words in the Qur'an, and comparing the usual nature of the difference between the second and the fourth form. *Tanzil* has a general sense; *inzal* is more specific. The fourth form of the word is always used when the Qur'an refers to the revelation being in the Arabic language and directed at a particular group of people -- the Arabs. Shahrur uses the (contemporary) analogy of the recording of a message or a video cassette (*tanzil*), with the act of switching it on to hear or to watch (*inzal*). This distinction has only become clear to us, he argues, in the light of recent developments in communications.

Secondly he examines the word, *ummi*, often interpreted as 'illiterate', describing the Prophet Muhammad (KQ, 139-140). *Ummi* was applied by Jews and Christians before Islam to those who were outside the faith. They were ignorant of the faith. 'Illiterate' is a logical but misleading extension of that meaning. With the inherited pre-Islamic meaning, however, the Prophet Muhammad was *ummi*, insofar as he was outside the faiths of Islam and Christianity. He does not mean that he was unable to read and write.

Thirdly he looks at the word *banin* in Surat al-Shu'ara, 133, *amaddakum bi-an'am wa-banin* which Pickthall translates as '(Allah) Hath aided you with cattle and sons'. Shahrur (KQ, 644) analyses this verse in the context of a long argument against patriarchal interpretations of Islam. *Banin* is from the root meaning 'to build' and is used here, in contrast to *an'am*, and means 'buildings' or 'fixed assets', as opposed to livestock or moveable assets.

A fourth example seemed on a first reading to be taking the methodology to extremes. He analyses (KQ, 206-207) Su-rat al-Qadr, 3: *laylat al-qadr khayrun min alf shahr*, translated by Pickthall as 'The Night of Power is better than a thousand months'. The Night of Power was the

night in the month of Ramadan when the Prophet Muhammad received his Call and the first verses of the Qur'an were revealed to him. Shahrur puts the last two words under his etymological microscope. Alf means 'a thousand', yes, but also has the idea of creation, the bringing of things together (as in mu'allif, a writer). And shahr is connected with the root meaning 'to unsheathe (a sword), to proclaim, to make public or famous'. In other words, the meaning of the verse is that the occasion of the revelation of the Qur'an is of greater value than any other kind of fame that can be devised. On a second reading, I do not find this such a fantastic interpretation. After all a thousand months is only eighty or so years, a lifetime. The message of the Qur'an is eternal and of far greater duration than a lifetime.

Shahrur also deconstructs the concepts of risala and nuhuwa, the abstract nouns relating to rasul and nabi, which are both translated as 'prophet', though the former also has the idea of 'messenger'. The declaration of faith is that Muhammad is the rasul of Allah, not the nabi. Shahrur states (KQ, 37) that all parts of the Qur'an can be classified as either nuhuwa or risala or an explanation. In the nuhuwa parts of the Qur'an we find statements that cannot be challenged -- the Oneness of Allah, the firqan (based on the Ten Commandments), the natural laws, the history of previous prophets, though these parts may be reinterpreted in the light of new knowledge. Risala, on the other hand, contains ethics and rules of conduct. Some parts are absolutely fixed, like rules of worship and morals, but others such as prescribed legislation and punishment, can be subject to ijtihad (independent individual judgement). They can even be dropped, as the Khalifa 'Umar al-Khattab did with Surat al-Anfal, 41 (KQ, 38).

One area to which Shahrur applies his own ijtihad relates to the question of alcohol (KQ, 477). He looks at all the verses in the Qur'an that refer to wine. Attitudes are not consistent and there is even some ambivalence. In Surat al-Nisa', 43, believers are enjoined not to come to prayer in a state of intoxication, with the implication that it is not impermissible to be intoxicated at other times. In Surat al-Baqara, 219, the sinfulness of strong drink is compared with its usefulness. And in Surat al-Ma'ida, 90-91, believers are told to turn aside from, to avoid strong drink: there is no denunciation of the practice. And in one of the descriptions of Paradise -- in Surat Muhammad, 15, there flow rivers of wine. Condemnation is not absolute. This is in contrast to the injunctions about eating pigflesh where the ban is absolute and unequivocal: hurimat 'alaykum al-mayyita wa-al-dam wa-lahm al-khanzir (Surat al-Ma'ida, 3). 'Forbidden unto you (for food) are carrion and blood and swineflesh.' There are no pigs in Paradise.

In Shahrur's view Islam is a dynamic revolutionary faith, relevant for all time and all places (KQ, 555). The dynamism started from the

revelation of the Qur'an itself. The Prophet Muhammad himself was the first to practise tafsir (KQ, 60). He made a distinction between the authority of the Qur'an and his own commentaries, the hadith. The Prophet Muhammad did not give instructions for his commentaries to be collected, as he did for the Qur'an (KQ, 546). The Prophet Muhammad was a fallible human being. His tafsir was as subject to revision as that of anybody else.

But in the century following the death of the Prophet Muhammad the Islamic Empire became a major power under the Umayyads and a religious class developed that was separate from the wielders of political authority. This class upheld political authority and was uncritical of those possessing it. The people wielding power were content that the religious establishment invoked Allah only for things that did not challenge their power. Fiqh and authority became twins (KQ, 569, 622). The interpretation and development of Islam in the next few centuries became fossilized. Fresh interpretation was not permitted. The 'Gate of Ijtihad' was closed. But, says Shahrur, the gate of ijthihad was never closed (DIM, 218). The authority of the religious classes and the fossilization has had a harmful effect on all subsequent Islamic Arab history. The character of fiqh-dominated Islam has been conservative, formalistic, obsessed with rules, out of touch with contemporary thought and concerned with the minutiae of human relations rather than with wider social and political morality (KQ, 579, 586-88; DIM, 24, 41, 160). The faqihs were ignorant. Great medieval Arab Islamic scholars such as Ibn Sina and Ibn Rushd were condemned in the Islamic world but were studied and respected in Europe. In contrast those such as al-Shafi'i, revered by the Islamic religious establishment, had no impact whatsoever on the rest of the world (DIM, 228). The faqihs and 'ulama' were concerned with what was permissible or not, not what was reasonable or not. They were unaware of their own ignorance (DIM, 225). The progressive can understand the reactionary, but the reactionary cannot understand the progressive, nor does he want to (DIM, 239). Their deleterious influence has prevailed to the present day. Contemporary Islamic philosophy goes round in circles (KQ, 30). Shahrur's purpose in his writings is to call for a new fiqh, not for a new Islam (DIM, 235).

Shahrur's strictures, never *ad hominem*, on practices and beliefs of today's fundamentalists are equally vigorous. To imagine that the practices of seventh-century Arabia are of relevance today is ahistorical (DIM, 42). The Prophet Muhammad cleaned his teeth with a stick. The lesson to be drawn is that it is meritorious to clean your teeth, not that you use a stick for the purpose (KQ, 580).

He is similarly fierce about the fundamentalists' attitude to women's dress. The status of women greatly improved at the birth of Islam. The liberation of women started with the Prophet, but should not end then

(KQ, 564, 595). The Qur'an addresses men and women equally. But fiqh has imposed a patriarchal view on society. Women came to be seen as possessions to be cherished as if they were camels or cars (DIM, 326). The Qur'an stressed the voluntary nature of belief (DIM, 143): *la ikrah fi al-din* (Surat al-Baqara, 256) ('There is no compulsion in religion'). *Fa-man sha'a fa-liyu'min wa-man sha'a fa-liyakfur* (Surat al-Kahf, 29) ('Then whosoever will, let him believe, and whosoever will, let him disbelieve').

If such an essential aspect of Islam as belief is voluntary, then what is the basis for thinking that dress is anything but voluntary and optional? (DIM, 329, 351). The custom in Syria today of having a party to celebrate 'the return to religion' of a girl who takes to wearing the headscarf is offensive to Islam (DIM, 327). Religion is far more than a piece of cloth. Fundamentalists and the religious establishment do not campaign with the same energy against bribery, fraud, irresponsibility, incompetence or political immorality (DIM, 175).

One concept that Shahrur develops in his second book is that of *istibdad* (absolutism, Review Article 341 arbitrariness), which he sees as of three kinds, all described in the Qur'an and symbolized respectively by Far'un (Pharaoh), Haman and Qarun (DIM, 241, 246). The first is political absolutism, the second religious, the third economic. Each Arab and Islamic country has had its Pharaoh and its Qarun legitimized by its Haman (DIM, 259). The religious establishment has legitimized political absolutism and economic oppression. The task of contemporary Islam is to liberate people from these absolutisms.

There are positive concepts that Shahrur sees at the centre of Islam, above all *shura* (taking counsel) and *ibaha* (freedom and openness) (DIM, 142). Just as fiqh and authority are one pair of twins, so freedom and science are another (DIM, 220, 299). *Siru fi al-ard fa-nzur kayfa bada'a al-khalq* (Surat al-'Ankabut, 20) ('Travel in the land and see how he originated creation ...') Open enquiry and research should be the basis of legislation. There are always alternative points of view and these should not be silenced (DIM, 145). Allied to this scientific approach is the need to promote an educated social conscience (DIM, 173). An Islamic state should be pluralistic. The way to resolve consequent tensions is through consultation (DIM, 193) in a democratic environment. We are beholden to use Allah's gifts of reflection (*fikr*) and power of reasoning ('*aql*) (DIM, 330). These gifts should be given total freedom to analyse rather than to memorize (DIM, 319).

Shahrur's Islamic society has more in common with European and American countries than any in the Arab or Islamic world today. He has, not surprisingly, been the subject of criticism.

But the popularity of Shahrur's work indicates that he is saying something that has hit a chord in contemporary Arab and Islamic

thought. Shahrur has not been personally threatened, and in 1995 was an honoured participant in public debates on Islam in Lebanon and Morocco. He receives correspondence from readers all over the world. Muslims are operating in a complex and competitive world. Most Muslims are conscientious believers who, like the rest of us, try to make sense of the world. Shahrur's work resembles that of other contemporary Arab writers on religion Farah Fuda and Nasr Hamid Abu Zayd of Egypt, and Muhammad 'Abid al-Jabiri of Morocco -- who are articulating an Islamic intellectual system that repudiates that of Sayyid Qutb and his successors.

In many ways Shahrur's work goes beyond religious debate. He is identifying flaws in contemporary society -- social and intellectual. People are reading his work not purely as religious commentary or an updated tafsir. They are reading a social and political analysis of closed Arab Islamic societies.

The 1970s and 1980s witnessed a great Arab migration: an expansion of Arabs studying in Europe and America, a recruitment of labour and skills to Arabia and the Gulf and among Arab countries, an emigration of hundreds of thousands of Lebanese. Arabs have been able to see the strengths and limitations of their own heritage and society and compare them with others. The monopoly of information claimed by individual governments has broken down. The informational technology revolution of the 1990s has accelerated these changes to the intellectual environment. Arab Muslims have the opportunity to think for themselves in a way that was discouraged a generation ago.

Shahrur's message is a contemporary message, a reassurance to the perplexed, a reassertion of the liberal tradition of Islam and an affirmation of the relevance of the faith to the pluralistic global village of the twentieth and twenty-first centuries. Hence the importance of his work.

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Middle Eastern Cultures: The Real Boundaries

Elie Dib Wardini

In referring to Middle Eastern cultures, writers and speakers often allude to the Arab, Persian, Turkish etc. Cultures. What do these terms mean? What do they imply? Are these the true cultural boundaries in the Middle East? It is the opinion of the present writer that the use of these terms is often faulty and misleading.

Preliminary notes

The subject matter of this rather sketchy article is not the domain of a student of languages, but that of an anthropologist (here I would like to thank Berit Thorbj Rnsrud and Kjersti Bergheim for their constructive comments). This article is then a collection of thoughts that I have on the subject. I hope, nevertheless, that this article will be an inspiration to those who are better equipped to make more detailed studies on the subject.

The Issue

The problem with the use of the terms "Persian Culture", "Arab Culture", "Turkish Culture" etc., in my opinion, arises when it is assumed that political ideology, religion or language forms the basis for definitions and generalizations concerning "Culture". Of course politics, religion and language are elements of culture, but Culture is much more subtle and complex. There are innumerable elements that combine to form a people's Culture and sub-Cultures.

Here are also active the level of education, social status, wealth, occupation etc., and not least the way people view themselves and their environment. Sometimes the geographical area where a political ideology is accepted/applied or where a language or religion has become dominant coincides with the geographical base of certain "Cultural

Clusters,"¹ but most often they do not coincide. The former Soviet Union, Eastern Europe and the Middle East are good examples of cases where they do not coincide.

It would be wrong to assume that certain cultural traits are necessarily common to people who are bound by a political ideology, a religion or a language, just as it is wrong to assume that people having many cultural traits in common also have a common religion, language or political ideology. Worse yet is when one projects modern ideologies and concepts back in time "creating history" based on modern "realities".

In order to illustrate the problems raised above we could ask the following questions:

- Is Turkey Turkish in culture?
- Is Iran Persian in culture?
- Is the Arab World Arab in culture?

Most of the answers given to these questions are given in terms of political ideology, political entities, language, religion or a vague notion of culture. e.g. Turks are those who speak Turkish. Those who have Turkish passports. Arabs are those who speak Arabic, or who consider themselves to be Arabs or who identify with "Arab Culture" (usually defined as Arab literature and language) etc. Based on these answers, definitions for "Arab culture", "Persian Culture", "Turkish Culture" etc. are deduced irrespective of whether they correspond to realities on the ground or not.

Some examples of such deductions:

1) a political concept: Nation-State, applied on a political entity: The State of Turkey, to create: Turkish National State, based on: Turkish language, Turkish Nationalism, Turkish Identity. The deduction is made: Turkey is Turkish, and the inhabitants of Turkey are Turks, the Turks have the same Turkish culture.

The inhabitants of the state of Turkey share very many cultural traits. Yet far from all have a "Turkish" identity (even if many have Turkish names), or regard Turkish as "their" language (even if they speak Turkish), or share the same political ideologies as the ruling parties in Turkey (Turkish nationalism), or that all have the same religion.

2) a political concept: Nationalism, creates a political ideology: Arab Nationalism based on : Arabic language, past and present achievements etc. The deduction is made: there exists an Arab People (in the modern sense of the term rather than the classical sense), hence Arab Culture. Thereafter the "Arabs are a people who have a common Arab culture".

1. Borrowed from the linguistic: "Sprachbund". Here it denotes a group of people who live in geographically adjacent areas and who share a large amount of cultural traits, yet not necessarily forming a single ethnic group. The boundaries of such "Cultural Clusters" are not as sharp as the term seems to indicate.

Note how Michael C. Hudson, an authority on Arab Politics, in his book "Arab Politics, The Search for Legitimacy" (1979) and under the chapter on "The Elements of Arab Identity" describes "The Core of Arabism: Ethnicity and Religion":

"The hallmarks of modern Arab identity are, on the ethnic dimension, Arabic language and culture, and on the religious dimension, Islam. On both dimensions, the inhabitants of the Arab world are overwhelmingly homogenous.

Ethnographers look upon language as a key defining characteristic of ethnic communities, although physiognomy, skin color, and common historical experiences are also important... According to the data from this atlas [the Soviet Atlas of ethnic communities], the Arab states are among the most homogeneous in the world; only the Sudan (with its non-Arab southern provinces), Morocco and Algeria (with their Berber communities), and Iraq (with its Kurdish population) fall around or below the world median and mean. Of the rest, Egypt, Jordan, Sa'udi Arabia, the Yemens and post-revolutionary Libya are almost completely Arab in language and culture; and very small ethnolinguistic minorities are found in Lebanon, Syria, Tunisia, Kuwait, and the Gulf states...

The Arab world today is overwhelmingly Islamic. Save for the Sudan and Lebanon, each with nearly half of its population non-Muslim, the Arab states are either almost wholly Muslim or contain small but important Christian minorities of around 10 percent, as in Syria, Jordan, Egypt, and the Palestinian community.

In emphasizing the ethno-linguistic and religious homogeneity of the Arab world (a point so obvious that its significance is sometimes overlooked), I do not mean to ignore the existence and political significance of the non-Arab, non-Muslim, and non-orthodox Muslim minorities in the Arab world." (p.38)

A common language, Arabic, leads Hudson to assume a common Culture for "Arabs". Then coupling language and religion, Hudson claims that the "Arab states are among the most homogeneous in the world."

Later in the chapter entitled: "The Republics of the Pan-Arab Core" he writes the following:

"In this chapter I compare the political systems of the pan-Arab core: Egypt, Syria, Iraq, Lebanon, and the Palestinian movement." (p.234)

From my point of view, what is interesting here is that what Hudson calls "the pan-Arab core" lies outside what is traditionally the centre of Arabism: the Arabian peninsula. Of course Hudson is speaking of politics, thus he uses the term "pan-Arab" rather than "Arab". Yet Hudson's concept of "pan-Arab core" leads some to make generalizations about Culture, seeing this "pan-Arab core" as the actual core of "Arabic Culture". As an example I could mention what is termed "Arabic food".

“Arabic food” seems to be equated with the type of food that is traditionally prepared/eaten in the geographical area that Hudson calls “the pan-Arab core”. Therefore some are surprised to see how untypical “Arabic” is the food prepared/eaten on the Arabian peninsula - the home of the Arabs! Or having noted the high level of “homogeneity” that Hudson expresses, some are surprised at the amount of conflicts that exist in the area and at the lack of solidarity between the different areas within the “Arab world”. By definition, it seems to be believed, “Arabs” are one people and are expected to act as such. This leads some to try to find answers for this apparently “anomalous behavior”, blaming colonial powers, the uneven distribution of wealth in the area or what some term “Arabian tribalism”.

Others take a more militant stance vis à vis Culture and identity. Note what Sati’ al-Husri says (as quoted by Hudson under the heading: “The Roots of Arab Identity” p.39):

“According to Sati al-Husri, the most influential theorist of modern Arab nationalism, Every person who speaks Arabic is an Arab. Everyone who is affiliated with these people is an Arab. If he does not know this or if he does not cherish his Arabism, then we must study the reasons for his position. It may be a result of ignorance - then we must teach him the truth. It may be because he is unaware or deceived - then we must awaken him and reassure him. It may be a result of selfishness - then we must work to limit his selfishness...”

Elements of Culture

1) Political ideologies, religion, language

The Middle East has seen the appearance of many rulers and kings, kingdoms and empires, and has seen them disappear. Political ideologies are accepted by some and rejected by others. The Middle East has had many religions (three world religions) and these differ from area to area within the Middle East. There has been at least two main language shifts in the Middle East, without mentioning minor shifts that were restricted to certain areas and shifts within certain languages. Moreover political ideologies, religion and language are cross-cultural. Aramaic in pre-Islamic times and Arabic, Islam and Christianity are very good examples of cross cultural elements.

Religion

One should distinguish between different levels of “religion”: deep levels comprising of that which people attribute to the supernatural in their interaction with their environment, and more superficial levels which are represented by the actual religions and cults, e.g. Christianity,

Islam, Judaism etc. This can be exemplified by elements of religion that are common across religious boundaries in a certain "Cultural Cluster", but are not universally common within a certain religion. For example I could cite the high esteem in which the Virgin Mary is held in Lebanon by both Muslims and Christians. The terms "Virgin" and "Lady" are not new to Lebanon. These are found in texts that antedate Christianity by 2-3 millennia. The Virgin of Lebanon and the Lady of Lebanon are mentioned already in the texts from Ugarit dating from approx. 1400 BC. The divergent ceremonial rites used in funerals by different Muslim communities, could also be cited as an example. Being of the same religion does not imply that people understand or apply this religion in a similar way or that they behave in the same way.

2) Cultural contact

Likewise, one should distinguish between different levels of contact between peoples: a deep contact that is an integral part of the understanding of a certain people concerning the world that surrounds them, and more superficial contacts where peoples of different Cultures exchange ideas, languages, religion but where deep cultural change does not occur. This can be exemplified by cases of immigrants who live in ghettos in the host country keeping their own habits and for some never learning the language of the host country. They live as if they were back home with least possible adaptations to their new environment.

Spheres of influence: In terms of deep cultural contact we can divide the Middle East into four major spheres of influence:²

1. Mediterranean sphere of influence
2. Central Asian sphere of influence
3. Indian Ocean sphere of influence
4. African sphere of influence

3) Natural-occupational elements

The way humans have lived in their diverse habitats depended primarily on the nature of these habitats. Water has been a deciding factor in the shaping of human Culture. One can recite Arabic poems in the desert or on fertile land, but one can live as a nomad only in the desert, and can be a farmer where there is water and fertile soil.

In terms of the natural elements and especially in reference to water, the Middle East presents us with many contrasts. Very fertile lands are

2. It is to be noted that the different cultures in the Middle East are in their turn "spheres of influence" for their neighboring cultures and to each other. One can mention the role of the Eastern Mediterranean in the cultural history of the Mediterranean. It is impossible to overlook the impact of the great centres of culture in Egypt and Mesopotamia on the rest of the Middle East.

only a few kilometers away from some of the world's most arid deserts. Some of the world's most important rivers are a stone's throw away from areas with least water. Areas with high amounts of precipitation border on areas with hardly any precipitation at all.

The elements of nature together with other elements of culture combine to shape the different Cultures that exist in the different areas of the Middle East. The contrasts found in nature contribute in shaping "Cultural Clusters" that in certain cases differ drastically from each other. For the bedouin in the desert, snow-covered mountains and the way people live there are just as foreign as is the desert and desert-life to a person who lives in these mountains.

A Scale of Shades

Yet even if at the opposite ends, Cultures in the Middle East differ drastically, there exists a whole range of shades in between. One can mention the desert cities, where the inhabitants are sedentary but are dependant on trade and to a lesser extent agriculture in order to survive. Such a city is Madina (Yathrib), which is a caravan city that thrived on commerce. Or Makka which is a religious centre and survived due to its role in religion. Again as a shade on this scale, we could mention the semi-nomads who settle on the borders of fertile land part of the year and farm this land, while they live as full nomads the rest of the year. In the same category but in another shade, we could mention the pastorals who keep sheep and goats, yet live in high mountains that are rich in water.

Conclusion

When we want to describe the Cultures of the Middle East we should not assume that "Culture" is defined solely in terms of political ideology, language or religion. Culture is much more subtle and complex.

As an illustration we can go back to the term "Arabic food". When we take into consideration that the Arabian peninsula has in general a different climate, flora and fauna from the Levant (the eastern coast of the Mediterranean), that the Arabian peninsula, open to the Indian Ocean, has very ancient ties and contacts with the Indian continent we would more easily appreciate the fact that the traditional food of the Arabian peninsula resembles more the traditional food of the Indian continent, while the traditional food of the Levant falls within the type of food that is common in the Mediterranean basin.

We should not take for granted that the geographical area where a certain political ideology is accepted/applied or where a language or religion has become dominant coincide with the geographical base of a

certain "Cultural Cluster". Nor should we assume that people sharing many cultural traits necessarily share religion, political ideology or language. True, the Middle East has a distinct Culture of its own. Yet this Culture is neither Turkish nor Persian nor Arab nor Kurdish nor Armenian etc., it is Middle Eastern. The Middle East has cultural traits which it shares on the one hand with the Mediterranean basin and on the other hand it has traits that it shares with Central Asia and the Indian continent.

Lastly I would like to propose that the fact that the geographical areas where a political ideology is accepted/applied or where a language or religion has become dominant often do not coincide with the geographical bases of certain "Cultural Clusters" is a source for potential conflicts when it is disregarded, and can be a source for a solution (in case of a conflict) when it is taken into account. The interaction between the many different elements of culture is THE key to understanding the Middle East. The Middle Eastern mosaic, which is in my opinion the beauty of the Middle East, is a result of this interaction.

Source: The above item was posted on the Internet. Its exact reference is as follows:
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Subject: Re: Culture: lets discuss it (article)
Date: 6 Sep 1993 11:59:27 GMT

Cultures and Religions in Senegal

Aminata Sow Fall

Senegal has eight million inhabitants, 95% of whom are Muslim, with the remainder predominantly Christian. There are very few animists who formally practice traditional religions. I say formally because in fact traditional practices are present in the daily life of all Senegalese, be they Muslim or Christian, because these practices are profoundly rooted in their cultures.

Soon after the introduction of Islam to Senegal, Muslims organised into Confreries*. This meant that the first religious leaders taught Islam according to the tradition of their spiritual leaders. This is why one finds in Senegal three major Confreries. The first are the Tidjanes, who are inspired by the doctrine of Cheikh Ahmed Tidjani from Algeria. The second are the Khadria, who teach the doctrine of Abdel Kadr Al Djinani who died in Baghdad in 116 of the Christian era. The heart of this Confrerie, in West Africa, is in Mauritania but it is most active in Senegal. The third Confrerie, developed during the last century, is Mouridism founded by Cheikh Ahmadou Bamba. It is unique in that he never pledged allegiance to any Arab leaders and founded a doctrine based on obedience to the Prophet and the work ethic.

These Confreries proliferated deep inside the country, reaching the peasantry. They made adepts and became pressure groups with whom the colonial authorities had to cooperate after having first battled with them.

While Islam was introduced without really upsetting local cultures, Christianity was more aggressive for in many instances missionaries destroyed objects used in traditional cult rituals. Moreover, Christianisation was a political means of assimilation, at various levels: clothing, culture, spirituality. Christians had to adopt the same attitudes as the Western world. Even traditional first names were sacrificed, although in some ethnic groups the first names were a means of identification of the individual within his/her family and clan. Among Muslim, too, first names of Arab origin were progressively imposed over time, but this was not compulsory, and one often found parents naming

their child after the first name of a Christian friend or relative: for instance Mary, John, etc...

In fact, missionaries were never able to strip away the cultural roots from the Christians, for those constituted an intimate part of their identity. Nor were the Muslim fundamentalists able to do this. In fact, all Senegalese, irrespective of their religion, are soaked in their cultures. At the spiritual level, one witnesses a sort of religious syncretism, where on the surface, religion is Islam or Christianity, but where the ancestral beliefs are lived daily and determine the behaviour of people. There are still Muslim and Christian families which offer a bowl of water to someone who died, somewhere in the middle of the night.

Cultural practices can be a balancing factor and attenuate the pressure from the fundamentalists. Tolerance has always been the rule between the different religions; some years ago, there was a difficult case when Christians wanted to build a church at Tivaouane, the fief of the Tidjanes who opposed it. The two Muslim and Christian leaders mediated with their troops.

It is also culture which renders Muslim women so visible. But until when? The question can be raised when one knows that some fundamentalist groups are on the rise and convince women who, themselves, preach fundamentalism right up to the schools. This, however, is an epiphenomenon, but the fragile nature of our world should incite us to vigilance, particularly in wake of the power of organised groups to manoeuvre and mobilise in more and more sectarian ways. I am, however, optimistic because I believe in human intelligence.

My optimism is confronted by the fact that, beyond religions, the communities agree on the same values: respect of the human person, moral austerity, ethic of work, sense of honour and dignity, respect of culture and traditions. Regarding this last point there are many conflicts related to new economic factors, technology and communications. But there is one constant element in Senegal that any observer can remark: no religion, no group preaches hatred, exclusion, or djihad against other groups.

* Editors note: *Confrerie* is used here to denote a group of faithful to the teachings of a spiritual leader.

Afghanistan

*The Taliban Regime and its impact on
Afghan Women and Society
Statements from Afghan Women, Reports and
International Action*

Women Rights in the Current Political Backdrop of Afghanistan

Afghan Womens Network

Introduction:

Violence against women is one of the sharp indicators of the subordinate position of women in the society. Violence exists in different forms, different levels from personal to physical violence to structural violence, justified by religion, culture and laws. Most of the steps taken from the protection of women against violence tend in addressing the women rather than men. These steps don't enforce laws or take action against men.

The women issues are political issues. The social paradigms don't recognize this. The ideology and culture don't recognize the women as political beings.

Violence against women has always existed in Afghanistan. Violence is common place in the daily lives of the Afghan women, however it escalates during racial or political violence when other groups also entered the conflict. In time of crisis (political economic or community strife), the family tends to exert greater control over women, there is a state and social repression of women, and an increase in violence against women.

In a conflictive situation like that of Afghanistan, all forms of violence have taken the shape of political violence. Furthermore, the lack of any law and order has made it impossible to categorize violence committed against women as social, religious, cultural, racial or political. Conflicts affect men and women differently, putting increased burdens on women, has led to the increased oppression of women by the families and society.

Legal aid is non-existent for Afghan women. The authorities of a particular area usually have their words as laws written in stone, never to be changed and obeyed by all. Violence against women, be it physical or political, is high. There have been times when women were imprisoned and used as sexual slaves and later their body parts were removed one by one as the women still lived and finally the remains of the body was disposed in the streets. War and anarchy produced the trafficking of

women across the country. The women of Afghanistan have not come a long way from these times. They have gained security from such atrocities at a price of being confined to the limitation of their homes.

Background:

Afghanistan is a small country which is situated in Central Asia. It is one of the poorest and the most underdeveloped nation of the world. The majority of the inhabitants practice Islamic faith, with a greater part of them belonging to the Sunni sect.

The country is home to many different ethnic groups and tribes. Although the different ethnic groups have co-existed for centuries, their attitude and behavior has not been necessarily friendly towards each other. The ethnic groups suffer a large degree of differences between each other. The religious, cultural, social and political behavior of these ethnic groups differ from one another.

The political and power scene of the country has always been dominated by a single ethnic group. This position has been held by the Pushtoons since the last two centuries. The dominant ethnic group has either deliberately or un-deliberately tried to enforce its own culture, religion and ethics on the sub-ordinate groups. This situation has often given rise to permanent and prologned conflicts which have played a major role in hampering the progress of Afghanistan.

The Afghan society still follows the primitive codes of conduct set since prehistoric times, for e.g. the patriarchal system of families. The women in Afghanistan have extremely low secondary status to men. Because Afghanistan is a multi-racial country, it is therefore multi-cultural, with some tribes following their own codes and ethics.

Dictatorship and misinterpretation of religion have given limited rights to women. However, 30 to 35 years ago, partial democracy was introduced into the country and a constitution was drawn up in which women were allocated limited rights. Under this change in the constitution women were granted the freedom of obtaining all forms of education, and they could contest and participate in elections.

Having easy access to education, the women living in cities made rapid progress. But unfortunately, those living in the rural areas could not avail the opportunity given by the constitution.

After the invasion of the Russians in the country, the constitution lost its efficiency and a state of war and havoc settled among the nation. Countries interested in Afghanistan for various reasons began to fight a proxy war between each other to which some emerged as winners at the expense of the Afghan nation.

After the fall of Dr. Najib's regime, complete anarchy settled over the country and fundamentalists acceded to the country's control. The change resulted in an increase in the cases of violence against women whether it be social, political or physical. Insecurity and endless anarchy created discontentment among the population paving the ground for the emergence of the Taliban.

Emergence of Taliban:

The Taliban (literally meaning religious students) stepped into the congested and unstable political scenario of the country nearly two years ago. Their presence was noted first in the areas of the Kandahar province bordering Pakistan. The emergence of the Taliban was followed by a series of rapid military victories which carried them right through and made them the unchallenged rulers of almost 2/3 of Afghanistan. In the beginning the people were generally content with the Taliban administration since they introduced the much needed security and peace into the area.

There is no doubt that no war can be fought inside Afghanistan without external support. The same must be true in the case of Taliban. However, the question of whose the hand behind the Taliban is a subject of much debate.

Present Situation and the Women Right Issues:

Currently Afghanistan is divided into three political regions:

- North and Central Afghanistan: This area is administered by the union of General Dostum's Uzbek militia and the Hazara Dominated Hezb-e-Wahdat party.
- North-East: A cluster of a few provinces represent the total administered area of the ousted Government of President Rabani.
- West-Southern and East: This area is administered by the Taliban.

Women living in the first instant live in a much more liberally administered area. Here education is freely accessible to women and they can participate in jobs without much restriction.

In the areas administered by the Taliban, peace and security is maintained according to the strict provisions of the Islamic law or "Shariah". Unfortunately, the "Shariah" is interpreted as total obscurity of women from the society. They have issued strict order that women should not venture out of their homes without the cover of the veil and under no circumstances they may be allowed to participate in jobs. Educational institutions for girls have been closed and the admission of female students is prohibited in any institution irrespective of the level.

These restrictions inflicted by the Taliban are a direct measure that is intended for limiting the activities of the women inside the walls of their homes. The women of Afghanistan on various instances have expressed their dissatisfaction at the social oblivion to which they are being subjected. The women who have dared to defy the above restrictions have been subjected to harsh beatings or warned of dire consequences and chastisement.

Conclusions:

Bearing in mind that after the years of killings which have plagued Afghanistan, the country has not more than a few cases of widows and families whose only bread winners are women. Under conditions where the Taliban have enforced their rules, such families are condemned to starving to death since the women are under no circumstances are allowed to participate in jobs. Furthermore, the banning of girls from being educated is also a violation of the basic human rights which entitle every human being to the right of being educated.

The above two instances portray only a small part of the picture in which the rights of the women are being constantly and deliberately being violated through sheer force. Silence against such a tyranny is nothing less than performing the act itself. The Afghan women are increasingly becoming aware of their rights and social status. They have realized the important role which they will be playing in the reconstruction of their country therefore they intend to fight for their rights until they gain the respect of the society which they deserve. Support for this cause is absolutely essential and can be provided by the outright condemnation of these violations of the human rights.

Statement by the Afghan Women's Network

Islamabad, Pakistan (15 October 1996)

Who we are

We are a group of Afghan women and their supporters who live in Pakistan and Afghanistan. In a country where over 90% of the women and girls are illiterate, we are a group of women who were encouraged by their families to become educated. Many of us have university degrees. Many of us previously worked in Afghanistan as lawyers, engineers, professors and doctors. Now we are working with NGOs (non governmental organizations), UN agencies and schools. Some of us are widows. Many of us are the sole support of our families. Because we are educated, we believe that we have the responsibility to speak out for ourselves and for other Afghan women who have not had the opportunities we have had.

The Afghan Women's Network

Although Afghanistan had no official delegation to the Fourth World Conference on Women in Beijing, a few of us attended the NGO Forum on Women. Meeting with other women from around the world inspired us to start the Afghan Women's Network to work for peace and human rights in Afghanistan.

The Afghan Women's Network is active in Peshawar and Islamabad in Pakistan and Mazar-i-sharif and Kabul, Afghanistan.

Afghan Women's Campaign for Peace and Human Rights

In September 1996, we launched a campaign for peace and human rights in Afghanistan. A delegation from the Afghan Women's Network visited the USA, where we spoke with human rights organizations, NGOs, women's organizations and UN agencies. We received support from many organizations and individuals, who previously had had no direct contact with any organized group of Afghan women working for peace and human rights.

Taliban takeover of Kabul

While the delegation was in New York, the group known as the Taliban, took over the Afghan city of Jalalabad. A week later the Taliban took over the capital city, Kabul. Although none of the military factions in Afghanistan respect the human rights of women and girls, the actions of the Taliban have been the most extreme.

Since the Taliban takeover of Kabul on September 27, 1996, women have been ordered to stay at home and not to work. Many women are the sole support of their families. There are an estimated 25,000 widows in Kabul. Other women play an important economic role within their extended families. Many international aid programs in Kabul are temporarily suspended. The World Food Programme in a press release dated October 10, 1996 noted that a bakery in Kabul operated by war widows has been forced to shut down, leaving 15,000 beneficiaries without bread.

Some women have ventured out, covered from head to toe in a garment worn over their clothes called a "burqa" Even the burqa does not protect a woman. One woman in a burqa was beaten because she was not wearing socks. Another woman, who left her house to visit her sick mother, stated "I was fully covered with black clothes (head to feet) top to bottom. The Taliban stopped me along the way and asked me why are you alone? and thousands of whys. Then they started beating me and hit me with a metal rod." Another woman in Kabul lifted her clothing to jump over a stream of water. Two Talibs accused her of trying to show her legs. She argued with them. She was beaten and thrown to the ground. One strong hit by a heavy rod stopped her life for ever.

Although there are no reliable statistics, it is estimated that about 70% of the teachers in Kabul are women. They have all been ordered to stay at home, causing a severe shortage of teachers. Girls are not allowed to attend schools. Many boys cannot attend school because of the lack of teachers. Before the Taliban takeover, girls were attending schools regularly. About 40% of the estimated 150,000 children attending school in Kabul were girls.

Taliban ordered female patients to leave the hospitals, since the staff included male doctors. Male doctors are not allowed to treat female patients. Some female medical workers have been allowed to return to work, but they cannot work with their male colleagues. Other medical workers who tried to return to work were turned away by the Taliban. One nurse explained how she could hear their female patients crying and calling out to them but the Taliban did not allow the nurses to enter the hospital.

We have no reliable reports on the numbers of people who have fled Kabul, either for the northern areas, still under the control of General Dostum or for Pakistan, but many people have chosen to leave rather than face Taliban control. At first, women and girls left if they could. Now, families are sending their adolescent boys out of Kabul for fear that they might be forced to join the Taliban and fight. Some families living in Herat, under Taliban control since September 1995, have sent their daughters to Iran or Pakistan for education or are conducting classes clandestinely in their homes.

Afghan women who are currently working for international programs, schools or offices in Pakistan are worried about what might happen if Pakistan recognizes the Taliban government and then insists that all refugees return to Afghanistan. Women will be unable to return to Afghanistan unless their basic human rights to employment, education and security are guaranteed. According to UNHCR, during the past year, most Afghan refugees in Iran, have not returned to Taliban controlled areas. One of the reasons given was the lack of female access to basic services such as health and education.

Some media reports and commentators have put forward the view that the control of the Taliban is not so negative because they have brought order without looting. This view ignores the fact that the decrees of the Taliban deny women and girls as well as men and boys their basic human rights. The "order" they have imposed is based on violence and the fact that they have all the weapons. They rule by direct force and threat of force. The people of Afghanistan have had no say about who is ruling them. This is not "peace" or "security".

If it were a racial, religious or ethnic minority that was being denied the right to work, the right to mobility, the right to education, the right of access to health care, there would have been a tremendous international outcry, as developed in the case of South Africa.

We ask people to consider what would be the effect if they were to wake up tomorrow and just because they are female, they would be denied the right to leave their homes to go shopping, the right to work outside the home and the right to go to school. Consider what effect such a harsh regime would have on your mothers, wives, sisters and daughters. Gender apartheid is just as great a denial of basic human rights as is racial apartheid.

Support Afghan women's and girls' human rights

We are concerned about the violations of human rights of all Afghans - women, men, boys and girls. However, we note that women and girls have been singled out by the Taliban authorities as not having the right to work or attend school.

Therefore, we want to reaffirm our position that we must have guarantees of the basic rights of women and girls. These rights are:

1. Women's right to employment outside the home, which includes the right to work with their male colleagues.
2. Women's and girls right to security. Women should not be forced to wear a uniform type of clothing or covering. They should have mobility without harassment.
3. Women's and girls right to equal access to education. Women and girls should have equal access to a complete educational curriculum, not just Qu'ranic instruction. They should have equal access to all levels of education from primary through university. We do not accept the excuse of "security" for the closing of girls' schools while boys' schools remain open, which the Taliban have used in other areas under their control for over one year.

Guarantees of women's basic human rights should be part of all interim peace agreements. International donors should require guarantees of women's human rights before contributing funds for rehabilitation and development in Afghanistan.

There should be a woman on every team negotiating with the Taliban, both from the political side of the Special Mission for peace in Afghanistan and the humanitarian side regarding requirements for the resumption of aid projects, many of which are temporarily suspended in Kabul.

When a delegation of Afghan women from the Afghan Women's Network was in New York they received verbal assurances from UN officials that there should be a woman on the Special Mission but that they had not yet identified qualified candidates.

Now the matter is of great urgency. We cannot expect military factions like the Taliban to understand and accept the requirements that women work in offices, if the official UN delegations have no women members. We have urged that EVERY international delegation, whether UN, donors or NGOs should include women.

We would urge all member states of the UN General Assembly NOT to recognize the Taliban or any other military faction as the legitimate government of Afghanistan. Although the Taliban control the largest geographic area, they are a military faction that has imposed their rule by force not by the participation and acceptance of the Afghan people. They have imposed a particularly brutal regime that has placed women and girls under siege. One Afghan woman described Kabul as "the biggest prison for women in the world".

Negotiations with the Taliban and other military factions must emphasize the importance of women's and girls' human rights as a requirement for all interim agreements to establish peace.

Support received

We welcome the support that we have received from human rights organizations around the world, such as the International League for Human Rights, Equality Now, Amnesty International, People's Decade for Human Rights Education, Working Group on the Human Rights of Women, Refugee Women in Development, Sisterhood is Global Institute, Women Living Under Muslim Laws and UN agencies.

In a press release dated October 7, 1996, Secretary General Boutros Boutros-Ghali said that "Throughout the United Nations system, the principles embodied in the United Nations Charter are morally and legally binding, including its preambular statement of determination 'to reaffirm faith in human rights, in the dignity and worth of the human person, in the equal rights of man and woman...'" The Secretary-General noted that the scope of restrictions being applied against women and girls in Afghanistan "could also have serious repercussions on the ability of the United Nations to deliver programmes of relief and reconstruction." We welcome his strong reaffirmation of the basic principles of human rights for women and girls.

We ask for your support for the participation of Afghan women in the peace process and the guarantees of women's rights to employment outside the home and women's and girls' human rights to education and security. We ask you not to recognize the Taliban or any other military faction as being the legitimate government of Afghanistan.

Thank you.

Kabul, the largest prison for women in the world

Afghan Women's Network

Where can we find the words from our hearts to share with the readers the suffering of the people of Kabul, especially the women and girls? Kabul has become the world's largest prison for women in the world. The women and girls have been confined to their homes by the military faction known as the Taliban. Women are experiencing the gradual death of despair. They see no future for themselves or their daughters.

The female population has been ordered to stay at home by the Taliban. They are forbidden to work. Women have always worked in Kabul. They are necessary for the functioning of the city. Most of the teachers in Kabul are women. Therefore, many boys have no teachers. Women and girls are banned from attending any schools or educational institutions.

Female patients in all hospitals were ordered by the Taliban to go home. Women cannot be treated by male doctors. Some women doctors and nurses have been allowed to return to work, but women cannot work with their male colleagues. Female medical workers must wear a complete covering from head to toe, known as the burqa, making it very difficult to treat their patients.

If women have to go out for food, medicine or other daily needs, they must cover themselves with a burqa and must be accompanied by a male family member. Even being covered completely is no protection. One woman was beaten because she was not wearing socks. Another woman who lifted her clothing to jump over a stream was beaten with a heavy rod by the Taliban.

Some people say that the Taliban have brought peace to Kabul. Taliban have put the women in the prison of their homes. This is not peace. Women have no weapons. They are being attacked and beaten by Taliban for no reason except the fact that they are women. This is not peace. This is war against women and girls. Whatever you bring by force cannot mean peace.

Kabul, the largest prison for women in the world

We are a group of Afghan women living in exile in Pakistan. As mothers and sisters we do not want to see our children soaked in blood. We do not want our daughters to grow up illiterate. We want to bring peace and human rights to our country, especially for women and girls. Peace means respect for people's human rights.

We ask all the readers to tell your government, the United Nations and the international human rights organizations that Afghan women must have the right to work outside their homes, that women and girls must have the right to education and that women and girls must be able to leave their homes without being harassed and beaten.

We need your help to bring the real peace to our homeland, Afghanistan.

Message from the Afghan Women's Network

"Time is passing. It is the fifth month of the Taliban's restrictive rules on women in Kabul. The families need the support of their women. Women are losing opportunities and their skills. Girls are cut off from education and soon they will forget what they have learned. In the future there will be no Afghan educated women. Unfortunately, nothing appears in the reports of the UN Committees, Meetings, General Assemblies, etc. on the violations of the human rights of Afghan women". At the International Forum on Assistance to Afghanistan in Ashgabad, Turkmenistan, 21-22 January, 1997, the following message was read from Afghan women; "We fully respect and support the UN Charters and the Universal Declarations on gender and human rights. Coordination is vital but will not succeed if individual agencies, especially donors, do not act according to their stated principles. Women are over 50% of the population in Afghanistan; women are the sole supporters of their families; girls are the future mothers; women and girls have not been involved in war and have never benefitted from the war by getting power or position, but they have experienced enormous suffering of war. When a woman is educated, a family is educated, and a society is educated". Afghan women went on to state their demands, including gender equity in all programmes for Afghan women to be involved in the peace process; the appointment of a permanent team of human rights specialists in Afghanistan who would be in close contact with the people and would facilitate dialogues with authorities.

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Afghanistan goes to absurd lengths to implement Islamic laws

Jean-Pierre Perrin

The innumerable bans imposed by Taliban renders everyday life a veritable punishment.

The latest orders for regulating the life of Afghans came into force yesterday. Their severity reveals the determination of the Taliban, out to capture the parts of the country that have so far evaded them.

In Kabul, life has become a never-ending punishment. Since the enforcement of law on "the commandment of the good and interdiction of the evil", whose latest measures are applicable as of yesterday, everything is forbidden. For the Taliban government, gaiety is suspect. The only thing of any importance is the magic word: "eradication". Eradication of music, songs and dance, eradication of betting games with pigeons and larks, a veritable passion of Afghans. Eradication of all pictures as well: henceforth, the presence of a single photograph is enough to warrant closing down of a shop; television sets are being hung at public places. Even the kite, one of the rare toys that kids in Kabul could have access to and which, in spite of the war and misery, had continued to brighten the skies, has been accursed; the Taliban hold it guilty of keeping children away from Koranic education. There are also instances where bans are imposed without their propounders furnishing any reasons thereof such as the one forbidding the use of drums for which "Ulema noblemen have been asked to find justifications".

Women, yet again, have been the first targets of the new measures to be imposed. The chadri, a long veil covering the entire body with only a tiny netting at eye-level has not been found good enough. Today, what the Taliban want is that they remain indoors. The ban imposed on them forbidding washing their linen "in streams and deserts(sic)" or going to the tailor's makes it clear enough. Even the Iranian chador, which conceals the body but allows a small part of the face to be seen, has been compared to some kind of a lascivious miniskirt and banned and since women no longer have the right to any will or responsibility of their own, it is the husband who is liable to be punished if the woman disturbs Islamic order in any way.

Over and above the interdictions, there are also obligations which are perhaps even worse. At present, it is mandatory for all the men to resemble the image that one holds of the prophet. Woe betide the beardless: since yesterday, all those who sport beards that have been trimmed or shaved are being arrested, imprisoned "till the time their beards grow bushy"; apparently, the new masters of Kabul wish to ignore the fact that the Hazaras, one of the main Afghan ethnies, have been endowed with a rather meagre pilosity. As the professor Kacem Fazelli points out, "we are getting back to the communist system, which displayed the same excessiveness but with a different purpose: the communists wanted to create paradise on earth, the Taliban see it only in the hereafter". Irony of history: it was the women students of higher education establishments of Kabul who had been the first to revolt against the communist regime and its Soviet allies by organizing a protest march on the Kabul streets. Today, they do not have the right to study or even go out.

The severity of the order that they have been imposing has not deterred the Taliban from progressing. Hailing from Kandahar, a big southern Afghan city, in the autumn of 1994, they conquered alternately the western and the eastern part of the country before reaching Kabul on 27th september 1996. After many setbacks, they retook the offensive and experts opine that they are all set to seize the remaining one-third of Afghanistan by this spring.

Compared to the Taliban, the coalition which comprises an ex communist chief of army, Abdul Rachid Dostom, the legendary Islamic commander Ahmed Shah Massoud, and the leader of pro-Iranian Shiites, Khalili, appears disunited and exhausted. Already, on the other bank of the Amou Daria, the river which separates the Muslim states of the ex-USSR from Afghanistan, one is on a war footing. "We are keeping watch. It is impossible to predict Taliban's frame of mind, the euphoria that will engulf them once on the banks of the Amou Daria. We should immediately take military action", declared the Uzbek President, Islam Karimov, on Friday. According to Uzbek sources, reservists born in the fifties had been mobilized.

If they attack Central Asia, the Taliban will revive an ancient history. They are actually the products of a religious trend derived from the Indian school of Deoband, a university set up by the English colonizers to immobilize Afghans belonging to religious orders in an extremely rigid way of thinking so that they would put up "a wall of faith" against the advancement of the czar's troops into Afghanistan.

In the meantime, the hold of the Taliban is getting stronger by the day. It is true that they were welcomed by a population that had been exhausted by wars between various Islamic factions which had destroyed

the city and had overwhelmed them with their extortions. The Taliban attribute the military successes that they have been amassing to the will of God.

Curiously enough, not a single specialist had predicted their emergence. Only the poet Sayed Bahodine Majrouh, considered the greatest writer of his country today, had prophesied it, much before he was assassinated, in 1988: "The children did not play any more. They no longer had the permission to laugh. Nor the lovers to walk between woods and gardens. It was all the time forbidden to...Forbidden to have fun, to joke around, to smile, to kiss behind bushes".

*The commandments for "the interdiction of evil"**

Following are the directives laid down by the Taliban on "the commandment of the good and interdiction of evil", signed on 16th December 1996 by the Maulvi(dignitary) Anayatullah Badagh.

To combat the danger posed by unveiled women.

Ban on drivers of all types of vehicles from carrying women not sporting the chadri or wearing the Iranian chador (which reveals the face, Ed).

Penalty: imprisonment of the driver of the vehicle.If a woman is sighted walking about in a chador, her house will be marked and her husband punished.

To eradicate music and songs

Ban on possessing cassettes and listening to music.

Penalty: if a cassette is found in a shop: closing down of the shop and imprisonment of the shopkeeper. In a car: seizure of the car and imprisonment of the owner. In case five people are willing to stand surety, the car, and then its owner will be freed.

To stop men from shaving or trimming their beard.

Penalty: if a man is sighted with a trimmed or shaven beard, he will be imprisoned till the time it grows bushy.

To force men to pray in mosques and in the bazar.

Obligation to reach the mosque for the five daily prayers at specified timings. A quarter of an hour prior to these timings, a long rope has to be stretched across all the roads bordering upon

mosques in order to (...) force people to get in there.

Penalty: if inspectors chance upon a man hanging around in a shop during prayer timings, he will be imprisoned for ten days.

To eradicate betting games with pigeons and larks.

If the inspectors were to find pigeons and larks in people's homes, they will behead the birds.

To eliminate use of drugs and drug addicts.

Penalty: closure of sales outlets and imprisonment and execution of vendors and drug users.

To eliminate kites.

Deemed harmful as they lead to bets, cause fatal accidents to children and keep them away from Koranic education.

Penalty: closure of workshops and destruction of kites.

To eradicate idolatry.

Ban on possessing photographs.

Penalty: If the inspectors find photographs, they will tear them. If they find them in cars, these will be stopped and the drivers will be banned from work.

To eradicate gambling

Penalty: closure of "gambling dens". The managers and gamblers will be imprisoned for a month.

To eradicate mid-length hair, English and American style.

Penalty: arrest of the guilty and complete shaving of the head (shaving costs to be borne by the guilty).

Ban imposed upon money changers.

Money changers ought to be reminded that it is forbidden to change small denomination notes against big ones, issue bills of exchange, to lend or to borrow.

Penalty: imprisonment of money changers for a long period of time.

To prevent women from washing their linen in rivers and deserts.

Penalty: they will be brought back to their homes and their husbands severely punished.

To eradicate drums, songs and dances in weddings

Penalty: arrestation and punishment of the head of the family.

Afghanistan goes to absurd lengths to implement Islamic laws

To eradicate confection of feminine apparel.

Penalty: imprisonment of the tailor if any woman or fashion catalogues are found in his premises.

To eradicate magic.

Books of magicians will be burnt and they themselves put behind bars till the time they repent .

Since December, having photographs or flying kites is forbidden.

* This document will be published in full in the next issue of the magazine les Nouvelles d'Afghanistan, BP254,75524 Paris, France.

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Liberation

11, rue Beranger
75154 Paris Cedex 03
France

Kabul, ban on women working, the cold, the misery and trading in human remains

Zaki Chihab

The seizure of power by the Taliban has reduced the Afghan capital to a ghost city. Half of the men are out of work, the women find themselves forbidden from the work place. To top it all, winter is particularly trying. In order to feed themselves, children have been resorting to desecrating cemeteries and selling human remains to dealers.

(Report filed from Kabul)

A row of vehicles on the highway from Kabul, in the foothills of mount Mahi Barre, stuck due to the freezing cold and massive snowfall: this is the image of the painful living conditions that the Afghan population has been enduring since the invasion of the country by the Russians seventeen years ago. The Afghans are known for their tremendous strength of character but this time around, the present situation of their country seems to have visibly affected them. The stricken expression on the faces of those whom we questioned on the topic of children who desecrate cemeteries on the northern part of the capital, on the look out for bones, seems to witness this fact. They collect bones in order to sell them to dealers, who then transport these to Peshawar(in Pakistan). Over there, these human remains are sold as animal bones and used in the manufacture of certain products.

According to the teacher from Kabul who was accompanying me, these bones are used for the manufacture of salad oil, soap, food for poultry or even for making buttons for clothes. Traders have veered towards this activity after giving up collecting scrap iron and various other ores. After they took over Kabul on 27th September 1996, the Taliban had in fact forbidden them from making these exports to Pakistan. "There's nothing else to do. We need money to feed our children", says a dealer, who refuses to be photographed by my guide, who has been following me around like a shadow during my stay in Kabul.

According to Haroun Chawli, degree holder from the university of Kabul who works for a humanitarian organization, "the people who live

near the cemeteries in the northern part of the capital and the cemetery of the Martyrs in the centre of town are quite used to seeing children slip into these at the crack of dawn", as soon as the curfew imposed upon the capital from 9 p.m to 5 a.m is lifted. "Obviously, the Taliban seem to be unaware of this, even though they might have already heard about it, he adds. Those who indulge in the trade of human remains act as if they were collecting bones of dogs, horses, cows or sheep, and not of human beings." He attributes this phenomenon to the deterioration in the economic situation, the high cost of living-last year, inflation had escalated to more than 400%-and to unemployment, which has affected almost half of the population.

Women no longer have the right to go to university

Living conditions have further worsened with the ban imposed upon working of women, with the exception of doctors and nurses, who must now wear the chador. "The cemetery children are the products of a generation without work, without food and without hope", confides Haroun Chawli to us. Life in Kabul is boring for some, difficult and tiresome for others. According to a Kabul resident, the absence of public places such as cafés and cinema halls, and the icy cold weather are responsible for confining people to their homes. Perched at a height of more than 1 800 meters amidst mountains, the Afghan capital had however been, during other times, a veritable crossroads for trade in the region. Today, at night fall, Kabul resembles a ghost city.

Anouar Matouniar, the manager of the Intercontinental hotel, where I was to spend the night, receives me warmly upon my arrival, but he hesitates for a long time before admitting to me that there is no electricity any more after 9 p.m. Electricity supply is still irregular due to damage of generators and the network which supply electricity to the capital. The entire area surrounding the hotel is plunged in darkness. He gives me a few candles in case of need and promises to fetch me a bucket of hot water the minute I felt the need for it. He even goes as far as to proffer his apologies for the present situation, he who has been witness to all the recent upheavals and wars that his country has had to face ever since the coup d'état engineered by Mohammad Daoud against the regime of king Mohammad Zaher Chah, in 1972. However, Anouar's voice reveals a certain amount of satisfaction when he says,"as we have an Islamic government, there are no missile attacks any more, like in the past. Only air raids from time to time. We receive our salaries regularly, even though they are not very high: they do not exceed a few dollars a month. Life is very expensive, the poor were not able to feed their children without the help of humanitarian organizations." At present, Kabul does not lodge any diplomats other than two Pakistani and two Iranian officials. The embassies of Sudan and France have been closed

down, and walking down the city, we noticed that many others had done the same. Dhalimi Ali, university student in Kabul, is impatient for the university that has been closed for the winters, to reopen and for the return of students. Taliban have forbidden school and university to girls. Of the 7 000 students registered in the university of Kabul, 3 000 are women, as per Dhalimi, who is temporarily employed in the administrative department of the university.

At the head office of the international committee of the Red Cross, Jean-Luc Paladini gives a detailed account of the activities of this humanitarian organization in Afghanistan. He puts the number of Afghan families benefitting from the help of the Red Cross at 36 000. Twenty-five Afghan women had to discontinue work at the committee following the decision of the Taliban. They were working as secretaries, translators and even as cleaning ladies. Other humanitarian organizations of the United Nations had been more adversely affected by this decision as they had had more women workers on their ranks. However, this official feels that the bitter cold and the snow accounted for the main difficulties faced by the residents of Kabul. Fuel prices are very high, inflation is escalating, whereas the salary of a government official is no more than 4 dollars a month. This is just about enough to buy 7 kilos of rice...

Source: Translated into English and reproduced from 'Kaboul, l'interdiction du travail des femmes, le froid, la misère et le commerce d'ossements humains', *Courrier International*, No.332, 15-19 March 1997. [Reprinted from Al Wasat, London]

Courrier International

14 bd. Poissonnière,
75308 Paris, France

Letter to the Taliban

by Muslim Women's Organisations

We the undersigned representatives of Muslim women's organizations concerned about the negative media reports of the apparent transgressions and abuses against our Muslim sisters in Afghanistan

Wish To:

Ask the leadership of the Taliban to clarify their position on the status and role of Afghan women in society

Recall That:

Fourteen centuries ago Islam liberated women and guaranteed them dignity and full rights to participate in the building and well-being of their communities at all levels

The right of women to work outside of the home was secured and recognized

The right and obligation of women as well as men to seek knowledge and education was mandated in the Quran and confirmed in the Hadith.

Women appearing in public without face covering was allowed

And the Prophet Muhammad, peace be upon him, in times of war did not restrict women but, involved them in the whole process and quickly punished any men attempting to mistreat or abuse women

Call upon our Muslim brothers of the Taliban movement to:

Ensure the respect and dignity of Afghan women according to the tenets and teachings of Islam by

Swiftly punishing any instigators of acts of violence against women

Immediately remove all alleged restrictions to access to education, work, and public movement of women and girls

To demonstrate to the world by their positive action in regard to girls and women that Islam is not a religion which is anti-knowledge, anti-wisdom, and anti-women.

Signatories:

Aida Krzic (The Islamic Community in Bosnia-Hercegovina)
Seremet Bahrija (Women 21) Sarajevo
Salma Maouludi (Tanzania Muslim Women)
Nafize Sisman (Project Production Group) Turkey
Munire Yazar (Autumn Initiative Group) Turkey
Najwa Abdulwahab, Britain
Mehlika Misiroglu, Turkey
Merve Kavakei (Refah Party Women's Commission) Turkey
Batoul Moh (International Organization for Muslim Women) Sudan
Bilqis Al-Sharie (International Organization for Muslim Women) Yemen
Aisha Lemu (Federation of Muslim Women's Associations in Nigeria) Nigeria
Saddeka M. Arebi, U.S.A.
Senay Akar (Multi-Cultural Education Training Center for Muslim Women) Koln, Germany
Eidch Mustafa Mutlaq (General Federation of Jordanian Women) Amman, Jordan
Irwani A. Jaffar (Muslim Converts Association of Singapore) Singapore
Suba Taji Farouki, Britain
Maimuna Sanchez (Azzaagra Cultural Association) Granada, Spain
Sharifa Alkhateeb (The North American Council for Muslim Women) U.S.A.
Sharifah Aminah (Muslim Youth Movement of Malaysia-ABIM) Malaysia
Wisal al Mahdi (International Union for Muslim Women) Sudan
Fawzia Al-Ashmawi (International Islamic Relief Organization) Switzerland
Homayra Etemadi (International Working Group on Refugee and Displaced Women) Geneva

NGO Sign-on letter to the UN Secretary-General regarding Women's Human Rights Abuses in Afghanistan

Please find below an NGO sign-on letter to UN Secretary- General Kofi Annan, regarding the abuses of the human rights of women in Afghanistan. We seek to have a large international response to stress to the Secretary- General the outrage that women feel. We also want to show our solidarity with our sisters in Afghanistan, who have been asking what we in the international community are doing to assist them. Therefore, it is important to have NGOs from as many countries as possible sign-on to this letter. Please distribute the letter to other NGOs for their signatures and thank you for doing so.

The letter will be finalized the last week of March, in order to send it to Secretary-General Kofi Annan and distribute it in Geneva, before the Commission on Human Rights finalizes a resolution on Afghanistan.

If your organization can sign the letter, please send your organization's contact information to W.E. A.R.E. for Human Rights, telephone: 1-301-270-0436; fax: 1-301-270-0321; or e-mail: <lbrowning@igc.org>.

The final letter will include only names, organizations, and addresses; however, to receive a final copy of the letter and any follow-up information, please also include your phone and fax number and e-mail address, if you have one.

The Deadline for Signatures is 24 march 1997.

Thank you,
WE ARE for Human Rights
Baha'is of the US
Amnesty International USA
Co-Chairs of the Working Group for the Human
Rights of Women

NGO Endorsements:

Name:
Organization:
Address:
Telephone:
Fax number:
E-mail:
[date]
His Excellency Kofi Annan
Secretary-General
United Nations
Your Excellency:

As non-governmental organizations working to promote and protect the international human rights of women, we are writing to express our appreciation for the actions taken to date by the United Nations to restore respect for the human rights of women in Afghanistan. The appeals by the United Nations to the Taliban to honor their obligations under human rights instruments and to protect the human rights of women have been of utmost importance. However, we continue to be concerned about the pervasive abuses and violations of the rights of Afghan women and girls and, therefore, respectfully urge the United Nations to continue its efforts to ensure that respect for their rights is restored.

Afghanistan is a party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the Convention on the Rights of the Child. Accordingly, Afghanistan is obligated to protect the human rights defined therein. The acts undertaken by the Taliban are in violation of Afghanistan's obligations under these treaties.

The General Assembly has «[d]eeply deplore[d] the grave deterioration of the human rights of women noted by the Special Rapporteur [on Afghanistan] in his report, and urge[d] the Afghan authorities immediately to restore respect for all human rights of women, including the right of women to work and the right of girls to education, without discrimination...» (GA Resolution 51/108, 12 Dec. 1996).

The Commission on Human Rights has called upon all Afghan parties to «respect fully all human rights and fundamental freedoms, including the rights of women and children, in accordance with international human rights instruments, and call[ed] upon the Afghan authorities to ensure the effective participation of women in the social, economic, political and cultural life throughout the country, including education and employment.» (CHR Resolution of 23 April 1996, contained in UN Doc. E/1996/23).

In addition, both the former Secretary-General of the United Nations, Boutros Boutros-Ghali, and the then- Chairperson of the UN Committee for the Elimination of Discrimination Against Women, Ms. Ivanka Corti, publicly expressed their concern about the status of women in Afghanistan. They noted reports that women are being denied access to education and employment in contravention of the Convention on the Elimination of Discrimination Against Women and the Covenant on Economic, Social and Cultural Rights.

Nevertheless, action still is needed to ensure that the Taliban and all factions cease to violate the human rights of the Afghan people. In particular, action is needed to protect:

1. Women's right to security. Women continue to be harassed and beaten for failure to comply with the dictates of the Taliban, such as leaving their home unless accompanied by a close male relative or for not dressing according to the Taliban's dress code.

2. Women and girls' right to equal access to education. Girls' schools have been closed, thus denying girls access to education and eliminating jobs for many women. (The education of boys also is being negatively affected because most of the teachers in Afghanistan were women.)

3. Women's right to employment outside the home. The Taliban has ordered women to stay home from work (except under special circumstances applicable principally to doctors and nurses). Because so many men have been killed or disabled in the 17 years of war in Afghanistan, women were the main economic support in many families. The health and well-being — indeed the survival — of these families are severely endangered by this dictate of the Taliban.

Furthermore, action is needed to ensure that women are participating in the peace process. The majority of the people in Afghanistan are women. For their voices to be heard fully, a woman must be included in the Special Mission for Peace in Afghanistan. In September 1996, representatives from the Afghan Women's Network met with Rosario Green, the former Secretary-General's Special Advisor on Gender, to discuss the situation in Afghanistan and the importance of including a woman in the Special Mission. Her office agreed to begin looking for a suitably qualified woman to recruit for the Special Mission for Peace for Afghanistan. To our knowledge, no woman has been recruited for this important post.

We respectfully:

— Appeal to you to speak publicly about the flagrant discrimination and violence against women currently taking place in Afghanistan; call on the warring groups in Afghanistan to ensure an end to such actions;

and inform them of the human rights of women pursuant to the international conventions ratified by Afghanistan.

—Urge strongly that a qualified woman be appointed to the Special Mission for Peace in Afghanistan.

— Urge that women be present and participate in all negotiations and meetings with representatives from the Taliban or other factions in Afghanistan, especially in peace negotiations.

— Recommend that the United Nations Development Programme (UNDP) and other UN agencies monitor the situation and work toward the restoration and protection of fundamental human rights throughout Afghanistan, ensuring the protection of the human rights of women.

—Encourage the United Nations Development Programme (UNDP) and other UN agencies working in Afghanistan to increase the number of qualified specialists on gender and human rights issues, preferably with experience in working in traditional and Islamic countries.

— Encourage coordination between the UN High Commissioner on Human Rights and the UN High Commissioner on Refugees to ensure adequate protection and assistance for women refugees in flight and in refugee camps.

— Recommend that the experts of the UN special procedures, including the Special Rapporteur on Afghanistan, the Special Rapporteur on Freedom of Religion, the Special Rapporteur on Freedom of Expression and the Special Rapporteur on Violence Against Women communicate their concerns about women's human rights to the Taliban and other warring factions on an urgent action basis. Further, we appeal to you to urge the above-mentioned Special Rapporteurs to contact the Taliban and other factions with a view toward arranging on-site visits as soon as possible.

In the face of these flagrant human rights abuses and violations, your continued attention to human rights in Afghanistan is critical.

With highest regards,

[Signatures follow]

Editor's Note:

In response to an Alert for Action sent out by WLUML concerning the situation of Women in Afghanistan, the Palestinian Feminist Activists from Jerusalem wrote the following:

"...the measures taken by the Taliban have nothing to do with Islamic law.

In the Sunna (reports on the living practices of the prophet Muhammad) and the Hadith (reports on what the prophet Muhammad said) which are, besides the Quran, the basic resources of Islamic law, it is clearly documented that the Prophet always motivated girls to learn and asked their families to support them. Education was considered one of the values in the young Muslim community - a value that applied to men as well as to women. Many of the important religious women in the Islamic tradition to whom Islamic law refers, were working outside the house. More than this, they became famous for their social engagement and were and are considered to be a model for all Muslim women. There is no source in Islamic law that prohibits women to leave their houses and thus no law that gives men the right to beat them when they do so. And there is definitely no Islamic law that permits killing and beating of females who exercise their rights of employment, education and development. The orders of the new military government in Kabul dont have any justification and are a terrifying example of how power can be abused to discriminate against women.

We have started a campaign on the local level here in Palestine. We got a statement by a Sheikh in which he states that Women on the Quran and Islamic history do have the rights to security, education, employment outside the home. We further are busy connecting with other organisations and institutions, NGO's, government bodies and religious bodies to make them support our campaign. We then plan to address with all the supporting letters by different institutions to the Mufti in Jerasulem and ask him to issue a Fatwa on the treatment of women in Afghanistan.

On the regional level we want to address all Women's Rights organisations to make them follow our example and start a campaign in their home country. Last year was the first regional conference in Amman for all women's organisations who work in the field of Legal aid for Women and Women's Human Rights. One of the outcomes of the conference was the desire to establish a network between all organisations to continue exchanging our experiences, develop common strategies and support each other... .

The next step on the International level would be to address the Islamic states which support the Taliban to exert pressure on them and shame them in the name of Islam."

Signed by Tanja Tabbara
Women's Centre for Legal Aid
PO Box 51678
Jerusalem
(Israel)

Newsbriefs

Palestine:

Press releases of the women's affairs technical committee

Note: The Women's Affairs Technical Committee is a network of three women's committees in three political parties, as well as of several women's centres and independent professional women. It was established in 1992 and has its offices and training centre for women in the city of Ramallah.

Towards the Fulfillment of Democracy and the full Participation of Women in Municipalities and Village Councils

Municipalities and village councils are now being restored as governing responsibilities are transformed to the Palestinian National Authority. The Women's Affairs Technical Committee come for the guiding principles of Palestinian self-rule and self-determination. We all need to understand that equal rights for both men and women are fundamental to the fulfillment of the dream of the Palestinian people. WATC, in analysing the process of transforming power to the Palestinian political entity, is concerned with the exclusion of women from participation in public institutions. WATC is also deeply concerned with the criteria of the candidacy itself, which is based on nepotism, kindred and family considerations.

The people of WATC work to promote, with men and women alike, a free and democratic society, building the new Palestinian entity towards a future democratic state. All Palestinians should have the full opportunity to voice their aspirations through electing people of their choice. We call upon all national democratic bodies to take immediate actions to eliminate nepotism and to restore the new political life of our community in the spirit of democracy.

The Acquisition of human Rights for Women

The people of WATC condemn the regulations stipulated by the new Palestinian ministries, who are insisting on denying women their basic human rights. The denial of these rights subjugates women to an inferior position, forcing the regression rather than the progression, of Palestinian women.

Palestinian women activists are concerned that their demands are not being heard by the Authority or those in responsible positions, despite women's activities through demonstrations, general meetings, lobbying, etc.

The people of WATC therefore call upon all human rights organisations, international organisations, and those persons concerned with women's issues and human rights, to stand in solidarity beside us in our struggle to achieve the most basic of human rights for Palestinian women.

Source: The Palestinian Working Women Society
Voice of Women
Newsletter Volume 2, Number 5, April 1996

The Palestinian Working Women Society
P.O. Box 25113, E. Jerusalem, Via Israel

Bangladesh:

Court Judgment: Islam has not approved polygamy

Supreme Court Correspondent

A Division Bench of High Court Division has observed in a recently delivered judgment (*Jesmin Sultana v. Mohammad Elias*) that Islam has not approved polygamy, and therefore Muslim Family Law should be suitable amended providing provision prohibiting polygamy.

Judgment was delivered on behalf of the court by Mr. Justice Mohammad Gholam Rabbani on November 26. Mr. Justice M. Bazlur Rahman Talukder

agreed with Justice Rabbani.

The Court has observed, "We find that Section 6 of the Muslim Family Laws Ordinance 1961 is against the principle of Islamic Law. We recommend that this section be deleted and be substituted with a section prohibiting polygamy."

Section 6 of the Muslim Family Laws Ordinance 1961 states that no man, during the subsistence of an existing marriage, shall, except with the previous permission of the Arbitration Council, contract another marriage. But this section does not declare the second marriage as illegal or invalid, but only prescribes simple imprisonment for one year and fine on conviction for violating the provision of section 6.

The Court has examined the verse of the holy Quran and the Hadith, and has pointed out that polygamy is prohibited in Tunisia under the law of Personal Status, 19567. According to Tunisian jurists, to be able to deal justly "is the injunction legally enforceable and under the modern social and economic conditions this essential condition for polygamy is incapable of fulfilment." The copy of the above judgment has been sent to the Ministry of Law.

Source: Bangladesh Observer, Dhaka, 5 December 1996

USA:

Cultural Tradition and Law Collide in Middle America

Arranged Marriage Leads to Rape Charges

By Don Terry

Lincoln, Neb., Nov. 27 - The proud father of six was beaming on Nov. 9 when more than 100 fellow Iraqi refugees crowded into his house and the house next door for the wedding of his two eldest daughters.

The male guests gathered in one house,

the women in the other. A Muslim cleric from Ohio was flown in. For the Iraqis, it was the social event of the year. For the police, it was a crime.

The authorities say the father forced his 13- and 14-year-old daughters into marrying two countrymen more than twice their age, men who then took their "brides" to their homes and consummated the marriages.

When the older girl ran away with a boyfriend a few days later, the father and the girl's husband went to the police and said they wanted her back. Instead, in a conflict between old-country culture and American justice, the girls were taken into protective custody, and the father and the men he considered his sons-in-law were arrested.

The father, who is 39, was charged with two counts of child abuse and faces up to one year in the Lancaster County jail. His 33-year-old wife was charged with contributing to the delinquency of minors. The grooms, a 34-year-old cook and a 28-year-old factory worker, have been charged with rape. Each faces up to 50 years in prison. All are free on bail. A hearing in the case is set for Dec. 30.

"What we have here is an example of a cultural gulf, no doubt about it," said Terrell R. Cannon, the lawyer for the grooms. "These guys still can't understand why they were arrested. They really don't think they did anything wrong. There was no intent to break the law."

Through his friends and his lawyer, Sanford J. Pollack, the father contends that his daughters married the men willingly and that his family had only been following their ancient traditions of arranged marriages in their new homeland, a place where they thought people were free to practice their religion without fear of the police or prosecutors.

The father, Mr. Pollack said, "was only doing what he thought was in the best

interests of his daughters. He is just devastated."

At the heart of the case is a clash of the culture of newcomers with American mores and law. It is a conflict shrouded in issues of multiculturalism and ignorance of the ways of a strange new world; a conflict almost as old in this country of immigrants and refugees as pasta and peanut soup.

"Legally, it can be a real balancing act," said Doriane Lambelet Coleman, a lecturer at the Duke University School of Law who writes about multiculturalism and the courts. "I think we have a sensitivity to pluralism and multiculturalism, but, on the other hand, there are some real core American values that must be protected, such as liberty for women and children. At least we aspire to these values when we wear our best face."

Ms. Coleman said culture was becoming more common as a defense in courtrooms across the country, including this heartland city of 200,000 residents. The father was among 500 Iraqi refugees who began settling here in 1993 with the help of Catholic Social Services of Lincoln. He fled Nasiriyah, in southern Iraq, after siding with a rebellion against Saddam Hussein, his lawyer said.

Ms. Coleman cited several cases in which a cultural defense had been used by immigrants and had helped a defendant avoid serious penalties. One such case occurred in New York City in 1987, when a Chinese immigrant, pleading cultural social pressures, was given probation after he killed his wife for being unfaithful.

"If you allow the legal system to treat immigrant defendants differently," Ms. Coleman said, "then you are effectively treating the victims, who are overwhelmingly women and children, differently. You are giving the victims less protection."

Ms. Coleman, however, believes that culture should play a significant role in the courtroom, but only in determining

the sentencing.

In the Lincoln case, Ms. Coleman said that if the defendants are convicted, they should not be sentenced as harshly as Americans born here, who presumably know what is acceptable behaviour in this country.

Jacqueline Bhabha, associate director of the Center for International Studies at the University of Chicago and a lecturer at the law school, agreed that culture should be taken into account when meting out criminal sanctions, but she said that it was even more important to educate immigrants about the laws of their new homeland. Iraqi refugees in Lincoln said in an interview that they had been given a superficial introduction to America when they arrived.

"I think there's no alternative but to prosecute," Ms. Bhabha said. "But changing people's cultural practices through criminal law is often a very blunt and ineffective tool."

In Nebraska, the law is clear. People must be at least 17 to marry, and it is illegal for anyone 18 and older to have sex with someone who is under 18, even if the child consents.

Phebe Marr, an expert on Iraq and a senior fellow at the National Defense University, a Washington research organization, said that 30 years ago in Iraq marriages of young teen-age girls were not uncommon, especially in the country's rural and more conservative regions, like southern Iraq.

But Iraq is one the most modern and secular nations in the Middle East and today such practices are probably rare, especially in the cities. Nevertheless, she said, it still no doubt happens in rural areas.

"They are worried to death that the girls will be dishonored," Dr. Marr said. "In their minds, the answer to that is to get them married off early."

Jodi Nelson, the Deputy Lancaster County Attorney, declined to be inter-

viewed last week. In an earlier statement she said culture was no excuse for the father and the men who tried to marry his daughters.

"You live in our state, you live by our laws," she told *The Omaha World-Herald*. "I have yet to find a law: 'Oh, and by the way, if you immigrate here from another country, none of this applies.'"

The boyfriend of the oldest daughter, a 20-year-old Hispanic man, has also been charged with statutory rape. The girl ran away with her boyfriend after her arranged marriage and stayed with him.

"Sometimes," said Mr. Cannon, the lawyer, "this case sounds like Peyton Place."

The father and his family arrived in Lincoln in 1993 from the refugee camps in Saudi Arabia, where most of what they had learned about life in America had come from movies and music videos. The grooms arrived about a year ago with little more than their clothes, their traditions and their faith.

When they got here, they got help in finding apartments and jobs and got a one-week crash course on America, a set of lectures that did not include the laws and rules of marriage. "Marriage will definitely be added to the list," said Maria Diaz, the Nebraska coordinator for refugee resettlement.

At the father's home the other evening, a group of men and women who had attended the wedding gathered in his living room; the women were dressed in traditional head and face wraps.

"In their minds, they did nothing wrong," said Abbas al-Harmooshi, an Iraqi refugee and friend of the three men. "They were only doing what we have done for centuries. This is not a case of disrespect of the civil law. We did not know the law."

Mr. al-Harmooshi said his wife had been 9 years old and he had been 20 when they had been married in Iraq. Now he is 44, and he and his wife have eight

children.

The father's wife was 13 when he married her.

Mr. al-Harmooshi attended the daughter's wedding. Two weeks before, he asked his friend's daughters if they were sure that they wanted to marry the men. He said they had said yes then and several more times before the wedding.

Mohamed Nassir, a member of the Lincoln Islamic Foundation and a mechanical engineering researcher at the University of Nebraska, has become the Iraqi immigrants' unofficial spokesman and interpreter.

"No one knew the law about when a girl can marry," he said. "I have been in this country 10 years, and I did not know. I believe if there was a forced marriage, then there was a big problem. But for this, when everybody agrees, no problem. But now that we know, there will be no more incidents. We love this country."

Source: *The New York Times*
Monday, December 2, 1996

India:
**Imam's willingness to allow
women into mosques**

January 21, 1997

Thiruvananthapuram: The Palayam Imam has caused great controversy by announcing special arrangements for women to pray in mosques. Fundamentalist organisations have launched fiery protests, terming it as blasphemous.

The Iman, P.K.K. Ahmedkutty is revered widely as a scholar and respected for his erudition. His argument was that since no holy book prohibits women from entering mosques and because the practice has not been prevalent it has been assumed a rule.

The Imam is considered among the more progressive Muslim leaders in the country. Besides giving the women entry into mosques, he has also fought to keep Malayalam the language of the services in the mosque instead of Arabic so that more locals can comprehend the services.

Iran:

Iranian Ayatollah Urges Temporary Marriages

Tehran, Iran (Reuter) - A senior Iranian religious scholar has said temporary marriages should be encouraged as a way of curbing the moral corruption of Iran's army of young singles, a newspaper said Wednesday.

The daily Akhbar quoted Ayatollah Mohieddin Haeri Shirazi, the top clerical official in the southern city of Shiraz, as saying: "Temporary marriage is religiously legitimate and laudable and preventing it leads the youth to offensive acts and causes the spread of social misdemeanors."

"Promoting temporary marriage leads to lesser social problems and deviations," Ayatollah Haeri Shirazi told a gathering of local officials held to discuss young people's problems in marrying.

Officials say there are two million single men and women in their early 20s in the country of about 60 million, many of whom cannot marry because they lack good jobs and housing.

Temporary marriages, with lower financial demands on grooms, are allowed under Iran's Shi'ite Islamic Law but are rare in cities, where many families see it as a practice degrading to women.

The newspaper Salam, run by radical Islamist intellectuals, recently criticized Haeri Shirazi's views, saying temporary marriages might help men but would cause new problems for women.

Haeri Shirazi's remarks were published

as newspapers reported yet another freak criminal case apparently related to young people's frustrated efforts at getting married.

A young man threw acid on a 16-year-old girl, burning her face badly, after her parents refused to allow their marriage, newspapers said Wednesday. The girl's younger sister was also burned in the attack.

Iranians were shocked by a case earlier this year in which two 16-year-old lovers confessed to choking to death two younger members of the girl's family and trying to kill her mother, apparently for opposing their marriage.

The crimes sparked an outcry over youth problems in Iran, an issue often debated in the strictly Muslim country where 60 percent of the population is under 30 year of age.

Iranian authorities have expressed concern over a breakdown of morals among the youth, reflected in a Western lifestyle, including close relations between unmarried couples — something strictly banned by Iranian laws.

They have blamed this on a Western "cultural invasion" spearheaded by banned videos and satellite television.

But some newspapers said the crimes showed that Iran had failed to create solid values for the young, many of whom were born after the country's 1979 Islamic revolution.

Ivory Coast: Young Girl Kills to Stay Free

by Melvis Dzisah

ABIDJAN, Dec 10 (IPS) - At 12 Fanta Keita was a minor and well below 18, the age at which Ivoirian girls may officially marry. Nevertheless, 18 months ago, Fanta's Muslim parents married her off to a man she had never met before.

"I never knew the man before I was brought from the village to join him in

Abidjan (the capital city) as his wife. I never liked him, so he beat and raped me frequently," Fanta told IPS at the weekend.

In April this year when she could no longer bear the abuse, Fanta took drastic measures to end the union.

"I waited until he was asleep and I used a knife to cut his throat," confided the innocent-looking teenager who spoke to IPS from jail. She has been denied bail.

Fanta's plight has brought into sharp focus the problem of forced marriages, which are common in the country's Muslim community, although having sexual relations with a minor carries a maximum penalty of 20 years in jail.

"Fanta's case has come out because there was death involved. But I can tell you we have many girls who have been forced to enter life-long relations at very early ages, before they could even become aware of life," explains Yai Constance, president of the Ivoirian Association for the Defence of Women's Rights (AIDF).

"At present, I have two other cases on hand involving girls who have been removed from school to marry. In one case, the parents are asking AIDF to refund the dowry paid by the prospective suitor, if we do not allow the girl to marry," Yai, who is a lawyer, told IPS.

According to Yai, it costs between 500,000 and 700,000 CFA to marry a woman in the Muslim communities here.

One US dollar is equivalent to about 509 CFAs.

"It is the sort of social injustice which our modern society should try to change because we cannot be signatories to international conventions on human rights and close our eyes to outmoded societal practices which raise question marks," Yai says.

Spearheading a campaign to save Fanta,

the AIDF has created a committee to mobilise public support and funding for the child whose parents have denounced her.

"Her parents say she has brought shame and dishonour to the family by killing her husband, so they have nothing to do with her," says Francoise Kamara, President of the Save Fanta campaign.

"Even if eventually, we managed to get her liberated, she can no longer identify with the family. She has become an outcast, victim of an outmoded traditional practice which says a girl can be married against her will," Kamara adds.

Kamara's committee is planning a public demonstration to draw the world's attention to Fanta's case. "The world must be informed that we also have forced marriage here. And we hope to eliminate it with their support."

According to Kamara, the committee has written to President Henri Konan Bedie, drawing his attention to Fanta's predicament and imploring him to order her release.

"We are yet to receive any response from the president, but we are confident that he is going to have mercy on the poor girl," says Yai.

An opinion poll of 10 people from different backgrounds by a local daily 'Le Jour' two weeks ago, found that they all condemned forced marriages.

"As Muslims we must live with the times, things are changing so we must change too," says Imam Cisse Gidiba of the Abidjan Mosque.

"If Fanta is in prison today, it is because her parents have refused to acknowledge that the days of the village society are gone. They have to be blamed for what has become of Fanta instead of they blaming her," says Yaya Kassoum, a Muslim, who works as a long distance bus driver.

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USA:

Father, 'husbands' held in forced Islamic wedding

Lincoln, Neb. — An Iraqi refugee accused of forcing his 13- and 14-year-old daughters to marry men twice their age in an Islamic ceremony was jailed on child abuse charges, and the alleged husbands were charged with rape.

A university professor from Iraq and an attorney for the husbands said the three were following Islamic tradition and did not intend to violate state law.

"It is a clash between cultural mores and U.S. law," said Terry Cannon, an attorney for the husbands, Latif Al-Hussani, 34, and Majed Al-Tamimy, 28. The two recent immigrants were jailed in lieu of \$50,000 bail each and could get up to 50 years in prison.

The father, Salem Al-Saidy, a school janitor on disability, was jailed on \$10,000 bail. He faces up to six months and a \$1,000 fine.

Police said Hussani and the 13 year-old were married against the girl's will in a ceremony at her father's home. The 14-year old claimed she was forced to marry Tamimy at the same ceremony.

Court papers said the two men took the girls to their homes and had sex with them to consummate the marriages.

The 14-year-old ran from the apartment, and the father reported her to police as a runaway. Police found the girl, heard her story, arrested the men and put the girls in protective custody.

"[The Iraqis] are not aware of the kind of civil rules here," said Mohamed Nassir of the Lincoln Islamic Foundation. Nassir, a University of Nebraska professor, did not attend the ceremony but said it was conducted according to Islamic tradition, which includes both

sides saying they want the marriage.

In Nebraska, people must be at least 17 to marry. A marriage license and blood test are required.

Source: News & Observer, Raleigh North Carolina, 20 November 1996

Turkey:

581 Religious Schools at the Service of Fundamentalists

Yalcin Dogan

In principle; the imam-hatip were reserved exclusively for the future servants of Islam. Since 1981, however, they have proliferated and are present in nearly all branches of education. To the benefit, above all, of the fundamentalist party, Refah.

They are springing up like mushrooms, these imam-hatip.¹ With the Party of the Just Way (DYP, headed by the ex-prime minister Tansu Ciller) at its side, the Refah (Party of Prosperity, Islamist) quietly expands the number of these schools. Eighteen, to be precise; over the past few months; bringing their total to 581!

The recent start of the new school year was accompanied by its usual set of problems, both material and ethical. Some of the material questions concern the high costs born by students and the admission system to higher classes. As far as the ethical problems, one immediately thinks of the quality of education, but especially - the most serious aspect - to the new direction Turkey is taking through its educational system.

In this context, the imams-hatip, opened under the coalition government formed by Refah and the DYP (in power only three months), should be food for thought. At the opening ceremony of the new school year; the Minister of State, Abdullah Gul (emminence grise of Refah), declared: "If liberty and demo-

cracy exist; then we are obligated to reorganize everything according to the desires and beliefs of the people. The imam-hatip reflect the desire of the people and there is a strong demand for these establishments." The mayor (Islamist) of Istanbul; Recep Tayyip Erdogan, quickly supported this assertion: "We are happy to see the imam-hatip leave their mark on Turkey." They may be happy, but the 80% of the population who did not vote for the Islamists are not happy at all.

National Education at the Service of Islamism

During her three years in power, it was through the opening of imam-hatip that Tansu Ciller made the most significant concessions to religious groups. It was under her administration that the greatest number of this type of school were opened. And now, with the Refah and DYP arm in arm, the situation is going out of control.

First, the government has named Tayyar Altikulac, a deputy of Istanbul and the former director of Religious Affairs, as head of the Parliamentary Commission for National Education. This appointment is unprecedented in Turkey. Who could have imagined a religious figure becoming president of the National Education Commission! And the fact that he is a member of DYP suits Refah well. Far from the noisy quarrels of politics; this party is strengthening itself in Turkey through the national education system with the strong support of the (secular party) DYP.

In the religious schools themselves, a new trend is appearing: teaching in foreign languages (often English, like in the prestigious secular schools whose entrance exams are very selective). Today, there are almost 90 imam-hatip of this type. It is evident that these schools are not aiming to prepare English-speaking imams. What, then, are they preparing? Eventual university

students who will one day become English-speaking, white collar workers impregnated with Refah's philosophy and a rigorous religious education. People in all professions who will have been educated on a religious basis. This is how the future members of Refah are prepared! This is the training program that the party is implementing! And this with the unforgettable assistance from Ciller!

The DYP contributes to this effort in another way. The national Education Council, convened during the coalition government of the DYP and the ANAF ('Motherland Party' headed by Mesut Yilmaz, a rival of Ciller and part of the secular right), decided to raise the period of compulsory public education - identical for all - to eight years. This decision has since been suspended. The reason, if the attendance requirement was fixed at eight years; the "college" level of the imam-hatip could no longer exist. (Consequently, religious training could begin only at the lycee level and would not reach the youngest students.) In the current government, possession of the portfolio of national Education by the (secular) deputy of the DYP, Mehmet Saglam, is but an illusion. This situation is ideal for the Refah: all decisions bear the signature of the DYP while the Islamist party reaps the benefits. In this alliance, the DYP is in the end working for the Refah better than the latter could do for itself.

Notes:

1. Religious secondary schools originally founded to train imams. Their graduates were admitted only to theological faculties, however, since 1981 they have had access to all faculties and schools, with the exception of military academies.

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Milliyet in Le Courier International,
No.310, 10-16 October 1996
Courier International

4, Rue Raoul-Dufy
75980 Paris Cedex 20, France.

France & Turkey:
Le Pen and Turkish Islamic fundamentalists, similar methods

Zeynel Lule

The paper underlines the similitudes between the municipal management of the National Front and that of the Refah, the Islamic party in power in Ankara.

(Report filed from Istanbul)

The profile and the evolution of the National Front, an extreme rightist French political party, bring to mind those of the Refah, Erbakan's party (the present Turkish Prime Minister). The leaders, their entourage and the sections of population which support them are also similar. Erbakan, a mechanical engineer, is a degree holder from the renowned Ecole polytechnique of Istanbul. The national level party that he founded in 1970 found itself dissolved under pressure from the army. He then got 12% of votes and entered the National Assembly with the parti du salut national (party for national salvation) that he had founded in 1972 (38 deputies and 3 senators). Henceforth, he will play a key role. He succeeds in 1974 in forming a coalition government with the social democratic party of Bulent Ecevit and obtains the post of vice-Prime Minister, a post that he will continue to hold in various coalition governments (between the right and the extreme right) between 1975 and 1977. After the coup d'état in 1980, his party will be banned. In 1987, he takes over the leadership of the Refah, created in 1983.

Erbakan and his party, in their speeches, pour out litanies about the European Union, which they liken to a "Christian club"; these also invoke the dream of an "Islamic Union" stretching from

Morocco to Kazakhstan.

Last week, the French National Front, a resolutely racist party, succeeded in landing the mayorship of yet another city, adding thus to its list of victories the office of Mayor of Vitrolles after those of Toulon, Marignane and Orange. A first glance at the municipal policies set up by them reveals an astounding resemblance to those of the Refah. In these cities, the National Front immediately launched an attack against all cultural activities and financial aids earmarked for social services. In Orange, the budget reserved for social activities has been changed from 300 000 FF to 135 000 FF. In Toulon, subsidies of 170 cultural and sports associations have very simply been completely done away with. Municipal libraries are being filled with xenophobic publications. Municipal canteens have been directed to cancel from their menus all items without pork hitherto meant for Jews and Muslims. On the other hand, sizeable funds have been reserved for security purposes, greatly increasing the number of police outfits in areas mainly inhabited by immigrants, the latter being considered "potential suspects". Close relatives of National Front elected representatives were enlisted on a priority basis; associations founded by these or by their spouses are being generously funded by municipal budgets. The party has set up a department for maintaining law and order which is well on the way to becoming a full-fledged militia. Entire armed groups for protection are being trained to act against potential enemies. All this is thus very similar to measures adopted by Turkish municipalities sporting the colours of the Refah.

The French electoral system, based on the system of majority in two ballots, considerably reduces the parliamentary power of the National Front. In Turkey, the system of proportional representation has made Refah the first parliamentary group thereby giving it a much wider access to the government than

what it would normally be entitled to from its local victories. Le Pen's speeches remind us inevitably of Erbakan's utterances.

Let us sincerely hope that Turkey would also, at the soonest possible, be witness to the same kind of republican resistance that is meted out to Le Pen in France.

Source:

The above article has been translated from *Courrier International* No 329, 20-26 february 1997 [Reprinted from the original in: *Hürriyet* (The Turkish daily)]

Courrier International

4, Rue Raoul-Dufy, 75980 Paris Cedex 20, France.

Turkey:
**Turkish women march against
Islamist revival bid**

08:54 a.m. Feb 15, 1997

Ankara, Feb 15 (Reuter) - Thousands of women protested in the streets of Ankara on Saturday as part of a backlash by Turkey's many secularists against Prime Minister Necmettin Erbakan's effort to give Islam a greater role in public life.

More than 8,000 protesters chanted: "We are women, we are strong, we are against Sharia (Islamic law)" and "Join hands for democracy" in an anti-Islamist women's demonstration in the capital.

"They are trying to plunge our country into darkness. You came here to oppose that," protest organiser Senal Saruhan told the mostly-female crowd, some clutching children.

Many carried posters of Kemal Ataturk, the secularist founder of modern Turkey who gave women the vote in the 1920s and encouraged them to throw off the Islamic veil.

Women's groups and the opposition have accused Erbakan and his Welfare Party of trying to chip away at Turkey's

official secularism and erode women's rights with a series of Islamist proposals.

Welfare has recently called for the construction of big mosques in traditionally secularist districts, and overland pilgrimages to the Moslem holy city of Mecca in Saudi Arabia.

But Welfare, under pressure from its pro-Western True Path Party coalition partners, this week shelved a plan to lift a ban on female public employees wearing Islamic headscarves.

Erbakan was named prime minister last year in a powersharing deal with True Path leader Tansu Ciller, a U.S.-educated technocrat who became Turkey's first woman premier in 1993 but suffered a general election defeat by Welfare in 1995.

Ciller, now Erbakan's deputy, has taken the brunt of secularist and feminist anger for helping the Islamists to their greatest slice of power since pre-Ataturk days.

"The women are here, where is Tansu Ciller?" protesters shouted. The crowd, boosted by the presence of left-wing groups, also called for a security scandal involving MPs from Ciller's party to be cleared up.

Welfare, which won a narrow victory in 1995 with 21 percent of the vote, presented none of its many women members as parliamentary candidates at the polls.

The party's recent surge in Islamist activity, in parallel to the Moslem holy month of Ramadan, has also disturbed the fiercely secularist armed forces and judiciary.

A Welfare former mayor was charged this week with two serious public order offences for organising an anti-Israeli protest in the town of Sincan last month which ended in calls for imposition of Koranic law.

Tanks briefly rumbled through the streets of Sincan after the event in a

thinly-veiled warning that the military would not tolerate Islamist militancy.

The army has carried out three coups since 1960 and talk of military intervention has increased since Welfare came to power.

Columnist Hasan Cemal called for Turks to step up recent protests against both the Islamists and the security scandal or risk inviting the generals back into power.

“If you ignore Welfare and its like, if you do not protect democracy and its foundation, secularism, you will not be doing your duty as the unarmed forces. That is when the real threat of a coup comes,” he wrote in the Sabah daily.

Many Turks have been turning out the lights of their homes for a minute every night in a rare protest against alleged official involvement in mystery killings and drug smuggling.

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Saudi Arabia: **Marriages “in Transit” Stir Saudi Passions**

DUBAI, March 2 (Reuter) - Marriage broker Fahd Suleiman makes the kind of offer that unleashes fury among women and arouses intrigue in men in austere Saudi Arabia, where sex outside marriage is high on a long list of taboos.

His fax offers men trapped in unhappy marriages an easy and safe escape — “zawaaj al-misyaar,” or a “marriage in transit.”

Callers who dial the five telephone numbers in Saudi Arabia listed on the fax get through to a taped message from a woman with an alluring voice telling them to punch in a secret code to learn more.

“My dear brother,” says the fax. “May God help you find a wife in transit to

compensate you for your troubled life. Know that the broker charges these prices. Five thousand riyals for a virgin. Three thousand riyals for a non-virgin.”

Islamic sharia law allows a man to have up to four wives at any one time on condition that they are given equal treatment — from identical homes to conjugal visits.

But under an al-misyaar contract, which falls under the sharia law umbrella that rules Saudi Arabia, the man benefits from fewer financial commitments, is not obliged to live with his wife and he sets the conditions for marriage.

“He can pass by at any time, in the morning, afternoon or evening. And he does not have to stay over,” Sheikh Mohammed Mu’bi, a cleric, told Reuters.

Marriages In Passing Incense Female Critics

Such conditions have enraged female critics of al-misyaar and triggered a war of words in the pages of Saudi newspapers.

“This is just like having a legalized mistress,” said Intisaar al-Ageel, a female columnist who has lambasted al-misyaar pacts as an insult to the institution of marriage.

“This is terrible. They are deceiving women. It’s like a man buying cows and sheep or watermelons,” she said by telephone from her home in the Red Sea port city of Jeddah.

Soon after she published her opinions, al-Ageel was bombarded with hate-mail and insulting faxes.

"You cannot believe what I went through. They sent me faxes saying 'you are an old woman' and 'we heard you had plastic surgery and you don't read the Koran'. They are out of their minds. I can be very tough when I believe in something," she said.

Apparently, al-Ageel was not tough enough. Newspapers stopped printing her stories. She has yet to gain official permission to publish a book in the kingdom that compiles her anti-misyaar editorials — even though they have already been published in newspapers.

As the days of easy oil money in Saudi Arabia have waned and supporting more than one family has become prohibitively expensive for men, al-misyaar pacts have become more popular.

There are no signs that the country is becoming any less conservative. Women are banned from driving and unmarried couples who mix in public risk angering the mutawaeen, stern-faced religious police armed with thin wooden canes.

Appeal For Divorcees, Spinsters And Widows

While outspoken critics like al-Ageel blast the al-misyaar pact, it has a certain appeal for divorcees, spinsters and widows who find an ordinary marriage hard to come by or simply don't want a full-fledged commitment.

Advocates say the pact offers a practical solution for a man who grows attracted to a woman but wants satisfaction within the confines of Islamic law in one of the most conservative countries in the Moslem world.

Islamic law imposes the death sentence on adulterers, but the crime is very hard to prove. In Saudi Arabia, extra-marital affairs are usually punishable by flogging.

"In the West, if a man gets attached to

a woman he can have a girlfriend. But this is forbidden in our traditional society. This type of marriage solves the problem," Abdullah Abu al-Samh, a writer who entered the editorial battle, said.

Clerics join the controversy

The issue became so controversial that the fiery editorials virtually disappeared from the state-controlled press.

"The government got nervous," said one columnist. "It was making too much social noise."

As tales of marriage brokers luring thousands of Saudis spread in the kingdom, clerics warned that the al-misyaar arrangement was being abused.

Sheikh Mohammad Mu'bi said the pact was attractive to some women with a ticking biological clock, for instance, who were unable to land conventional marriages.

"Some women do this because it's the only way they can have a baby," he said. "We are not attacking the practice itself, but its negative sides. Some men do this just out of lust. Others do it just to marry for one month or even one week and then they never go back."

Those types of scenarios did not seem to scare one woman, who goes by the name Mona, away from an al-misyaar marriage.

After escaping an arranged marriage with her first husband, and failing at another relationship, she settled for al-misyaar with a married man who has three children.

"He said the condition for our marriage was that his wife would not know," said Mona. "I am happier now. We travel together and he visits twice a week. But I would like to see more of him," she added.

Note: (\$1-3.75 Saudi riyals)

USA:

Doctors at Seattle hospital consider circumcising Muslim girls

By Carol M. Ostrom, Seattle Times

Seattle — It started simply enough: a pregnant Somali patient and a doctor in an examination room at Harborview Medical Center. The doctor asked what she thought was a routine question: "If it's a boy, do you want him circumcised?"

"Yes," the Somali woman replied. "But what if it's a girl?"

The refugee woman's question and its implication sent doctors and administrators at Harborview reeling. Circumcision for girls? Surely no doctor would ever consider removing healthy tissue, a procedure dubbed by some accounts from Africa and other Third World countries as "female genital mutilation."

And yet, these were women of another culture, a culture the doctors believed they should respect. Soon, some began to listen. And what they heard convinced them that as strongly as a Jewish mother believes her son must be circumcised to be a member of the faith, so do some Somali Muslim refugees in Seattle believe that their daughters' genitals must be cut to comply with their religion and demands of their culture.

The question facing Harborview: Was there any alternative to cutting away healthy genital tissue that would satisfy what some Somalis believe is a religious and cultural requirement?

"It's very important for the Somali people, because it's a very old culture," says Fardosa Abdullahi, speaking through a translator. Her head and upper body draped in a black hijab, a traditional Muslim covering, Abdullahi insists that each of her three young daughters must be cut. "It's important for religion. We have to keep the religion."

How important is it? Enough to go back to Africa or to another country to

get it done, enough to offer bundles of money to native "midwives: to do it, the Somali women say. "It's important enough to take your three kids and get a ticket, \$1'500 for each person," says Kadija Ahmed, a Somali woman with three daughters.

A Harborview committee chaired by Abraham Bergman, chief of pediatrics, found that there was something called a "sunna" circumcision, which, as envisioned, would entail no more than a small cut in the prepuce, the hood above a girl's clitoris. It would remove no tissue and leave only a small scar. The Somali women say it would fulfill their religious and cultural needs.

James LoGerfo, Harborview's medical director, has sent the committee's recommendation to the state's attorney general for legal review. No doctors at Harborview have done the procedure, nor is there any plan to do anything before a communitywide discussion of the issue is held, LoGerfo says.

A 'horrible, horrible thing'

None of that has placated those who say that even talking about cutting female genitals legitimizes a barbaric practice, one that disempowers women and served to keep them out of the American mainstream.

Mimi Ramsey, a 43-year-old Ethiopian who head Forward International, a California-based group working to stop genital cutting, said she was mutilated when she was 6 years old and would do anything to stop doctors from cutting girl's genitals.

"This is the most horrible, horrible thing that is happening to children. This is the sort of pain they want to create for the helpless little girls that are Americans. They are born in this country. They have a right to protect their bodies."

"This is barbaric," agrees Diane Dupuy, a local member of the group. "I can't imagine doing this to girls; this is taking away their rights."

On the contrary, says LoGerfo, the compromise may be the only available ethical, legal and humane alternative "short of throwing the kids and the mother in jail for 20 years to make sure nothing happens to them."

Bergman says outsiders should be careful when making judgments about the cultures of others. "It behooves us to show some respect," he says, adding that decisions should not be made without thorough information.

As for the mothers who asked the Harborview doctors if their daughters could be circumcised, they, too, find themselves trying to understand a strange culture.

Most of them were cut in Somalia, the majority in ways that removed much tissue and sewed together what was left. In procedures called "infibulations" or "Pharaonic" circumcisions, most lost their clitorises and surrounding flesh, becoming scarred in ways that sometimes cause pain and difficulty in childbirth and can make intercourse painful. But they say that such cutting was a mark of a respectable family that cared about its daughter, a guarantee of her virginity, a sign that the girl was a good Muslim.

Many Somali women are shocked to find that, in this country, some people think cutting young girls' genitals amounts to child abuse.

Without circumcision, a girl would feel embarrassed, says one 28-year-old Somali woman, a mother of three. If other girls knew, they would laugh at her, and she would feel shamed. If her daughters are not circumcised, she says, no man will want to marry them.

"He will think he is getting a girl already used," she says. Circumcision, even a tiny cut, she says, will somehow help her

daughters avoid what she sees as the American disease: "Girls 13, 14, 15 get pregnant, go wild, get welfare." It won't prevent a girl from having sex, she concedes, but it would be a sign that "she's trying to control herself."

Like other Muslim women, she says her religion requires that girls be circumcised. She and others who have studied the issue say female circumcision is not spelled out in the Koran, but is mentioned in the Hadith, the collection of oral religious teachings.

Ahmed Scego, a 29-year-old Somali man who has been in the United States since 1988, worries that if mothers take their daughters back to Africa, there is more chance that a grandmother who believes in the old way, the Pharaonic circumcision, will call the shots.

These women already have moved from being radically cut themselves to wanting only a virtually symbolic cut for their daughters, he says.

A contrast with circumcision

According to studies, Somalia has one of the highest rates of female circumcision, which is practiced in more than 30 countries, predominately in Africa. The World Health Organization says that the more severe forms have caused infection, tetanus, bleeding, shock, hemorrhage and even death.

Estimates place the Somali population in the Seattle area at about 3,000. Other states with relatively large populations of immigrants from African countries that practice female circumcision — Rhode Island, Tennessee, Minnesota and North Dakota — have outlawed the practice. A similar bill in California is awaiting the governor's signature. In Congress, a bill introduced by Rep. Pat Schroeder of Colorado would outlaw the practice.

Some doctors at Harborview don't like the idea of a national law. In fact, says Leslie Miller, an obstetrician-gynecologist, a sunna circumcision of girls would

be a good deal less drastic than what is done to boys during circumcision.

Miller says she can understand why the refugees are confused. "We will cut the whole foreskin off a penis, but we won't even consider a cut, a sunna, cutting the prepuce, a little bloodletting [on a girl]," she says.

Doctors in this country also do cosmetic surgery on genitals, Miller notes.

"We're not discussing circumcision with [the Somalis] because we want to mutilate their daughters' genitals; it's because it's a reasonable request," Miller says.

Source: The News & Observer (Raleigh, North Carolina) Sunday, September 29, 1996

South Africa:

Landmark judgment opens door for women married by Muslim law

Ebrahim Moosa

[independent online]

[the star]

Injured in marital violence four years ago, Theorayah Edros (44) is still tormented by the chronic pain and loss of movement resulting from a severed tendon in her right hand.

A clerical job, her previous area of employment, is out of reach now as she can barely use her writing hand.

But although her relationship ended in ruins, her plight made legal history in August this year and benefited all Muslim women in South Africa.

The product of a working-class family from Salt River in Cape Town, Theorayah's life seemed full of promise when she married Moegamat Ryland in 1976. But 15 years later he ended their marriage, accusing her of misconduct and pronouncing the Muslim formula of repudiation known as talaq.

Moegamat later felt contrite about his

behaviour and the couple remarried at the offices of the informal Muslim religious tribunal in Cape Town, the Muslim Judicial Council.

But that reconciliation was shortlived. Within a few months their relationship ended in a violent fight in which Theorayah was badly hurt and her hand permanently disabled.

To her amazement, in September 1992 the religious tribunal informed her by letter that she had been issued a final talaq by her husband. She was not given a chance to present her side to the tribunal.

Her husband was charged in a criminal court with assault, but acquitted. He then demanded that she vacate the marital home with her five children, two of whom were from her previous marriage.

Through the efforts of the Cape Town office of the Legal Resources Centre, Theorayah managed to secure her stay in the marital home while civil claims against her husband were being filed.

During her marriage, she worked as a cashier and assistant in various jobs.

With her earnings she bought food, clothing for her family and met other incidental costs, as well as performing household chores and cooking.

Theorayah's plight is that of scores of Muslim women who married in terms of Muslim law but are left penniless at the end of their marriages.

Their direct and indirect contributions to the marital estate are not quantified and awarded to them at the dissolution of the marriage.

South African law does not recognise Muslim marriages because they permit polygamy, and the informal religious tribunals do not acknowledge the notion of joint marital property.

What is so significant about Theorayah's case is that, since the marriage itself was not recognised by South African courts,

the lawyers took an imaginative approach and petitioned the court to recognise the Muslim marital contract in terms of which the partners entered the marriage.

Once the court had been persuaded that a contract in Muslim law was similar to that in Roman-Dutch Law and Common Law, the effects of such a contract could be enforced.

Theorayah's patience and the efforts of her legal team finally paid dividends when judgment was handed down by Mr Justice Ian Farlam in the Cape Supreme Court in August this year.

It opened a small but important window of opportunity for Muslim women to seek relief from the courts. In the case of *Ryland v Edros*, the judge ruled that marriages conducted in terms of Muslim rites are enforceable as an agreement between the parties.

Thanks to our new human rights judicial ethos, this decision has written a new chapter in South African legal history. Seeking recourse in the values of the new constitution, Theorayah's lawyers were able to compel the judiciary to take notice and give effect to the diversity of religious traditions in South Africa.

It was chiefly the constitutional values of equality and the accommodation of cultural diversity that came to her rescue.

Farlam's judgment thus ends decades of judicial and legislative prejudice against Muslim marriages, which were not valid in terms of the Marriage Act 25 of 1961.

Previous petitions to South African courts resulted in verdicts which held that even monogamous Muslim marriages should be treated as offensive since they were potentially polygamous unions.

In his landmark decision in *Ryland v Edros*, Judge Farlam has ensured that the contractual agreement of actual

monogamous Muslim marriages at least would be recognised.

While Theoraya will have to live with the scars of a painful marriage for the rest of her life, there is some hope for her and thousands of others that Muslim marriages can now end with a modicum of material equity.

While the recent court decision opens a small door for greater equality in our law, the real remedy lies in drafting legislation that will govern Muslim family law as provided for in the new constitution.

Ebrahim Moosa is director of the Centre for Contemporary Islam and teaches in the Department of Religious Studies at the University of Cape Town. This article was first used in *Democracy in Action*, journal of the Institute for Democracy in SA.

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Pakistan: **Hundreds join Women's Day activities**

By Our Staff Reporter

Lahore, March 8: Hundreds of women observed International Women's Day at Alhamra Art Centre here on Saturday and placed a commemorative plaque in Bagh-i-Jinnah honouring 50 years of the women's movement in Pakistan.

The women belonged to various cities and organizations and had assembled at the Alhamra Art Centre to observe the day at the invitation of the Women's Action Forum.

From there they marched to Bagh-i-Jinnah alongwith drummers, carrying placards and banners inscribed with slogans demanding rights equal to men.

Before placing the plaque in front of the Quaid-i-Azam Library's main entran-

ce in the Bagh-i-Jinnah, a section of the women performed the "bhangra". They paid tributes to women who despite heavy odds on the social, political and economic fronts have worked to further the women's cause.

The main activities of the day started at Alhamra in the morning with speeches by representatives of different women organizations. The speakers included Tahira Mazhar Ali Khan, Hina Jilani, Samina Rahman, Zari Sarfraz, Miriam Habib and Rubina Jamil.

They said the struggle for women's rights could not be waged in isolation as they were directly affected by the social, political and economic environment in which they lived.

They had seen how political expediency had eroded the status of women and caused their marginalization, how social biases, cultural practices and religious orthodoxy had resulted in oppression, discrimination, injustice and violence against women, how they had become victims of market-oriented economic policies, and how they had suffered deprivation through environmental degradation.

The speakers said women's rights in Pakistan had been seriously threatened in the last two decades of the present century. Denial of their fundamental rights to life, liberty and security of person had made them a population at risk. Through discriminatory and unjust legislation the women had been depri-

ved of equality before law.

They said it was in the face of these circumstances that a mature women's movement had emerged in Pakistan, responding to the needs of women regardless of their social or economic status, urban or rural background, or state of education or literacy.

They said it was the WAF which spearheaded the movement and it considered all issues as women's issues and had taken positions on national and global developments. It would continue to focus on women's economic, social and democratic rights and on violence against women. It would also strive for the repeal of all discriminatory legislation against women.

Following the speeches by their leaders, women from different organizations presented skits, songs and poems to highlight their problems. A play by Lok Rehas was also staged.

Another event was an art exhibition at Alhamra. Paintings, photographs, posters and other works of arts by and on women were displayed.

Source : DAWN, 09 March 1997

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India: Awaaz-e-Niswan (The voice of women)

Dear friends,

In the context of personal laws today, there is much discussion on the condition and oppression of Muslim women. We, some women from Awaaz-e-Niswan, wish to communicate with you at this point.

Awaaz-e-Niswan is a Bombay based organisation active in the Bhendi Bazaar, Nagpada and Dongi areas since 1987, with the objective of working with the questions of Muslim women. Our main objective is to struggle against the oppression women suffer as women within their families, their communities, and the country and society at large.

In the present atmosphere of communal violence where the Muslim communities are faced with assaults on their existence and the insecurities that follow, the state of Muslim women is even more problematic. On the one hand women have become more dependent on their communities because of the growing threat of Hindutva. While on the other the orthodox members of the communities are trying to keep the identities of the communities intact by exerting complete control over women's lives.

Thus the struggles of Muslim women have become more difficult, both personally and in collectives. It is becoming more and more difficult to struggle against those who seem out 'own' and the 'others' in every sphere of life. In Awaaz-e-Niswan it has been our constant effort to support and encourage each other in this difficult path.

In the past decade our journey has been very uneven and full of many unexpected and new experiences. Today we find ourselves at another turning point in this journey and want to reach out to you as we deal with it. Your connection with us enables us to write this letter and through this we also want to renew and strengthen this connection with you.

Our major work within Awaaz-e-Niswan has been to help women struggling within their families. As a group we have supported many women's struggles for their rights - be it divorce, maintenance, child support, domestic violence or something else. Every woman's situation has been different and her fight unique, and so the methods of help and support too have been varied.

Sometimes through dialogue, sometimes with the help of neighbours, sometimes going against them, sometimes with the help of the 'jamat' and sometimes against them, sometimes by using threats, by going to the police and courts, sometimes through force - we have tried to support the women through all means possible.

It is not as if what we have wanted has happened each time. Neither is it that we have been able to do all that we have wanted to do. Many times we too have felt our own decisions to have been incorrect. Some people have been against us, and some have supported us all through. We have kept trying to build and understanding by joining with the women's movements and various groups. It has been part of our work and our perspective to fight against every kind of violence and oppression - whether it be war, or riots, or the violence of the police and powerful in everyday life.

In the past nine years many new people joined Aswaaz-e-Niswan many old friends left us. Our address changed often. So did our meeting place, the time and the day of our meetings. Our face and formation has changed often but we have tried consistently to work in the same spirit.

After the demolition of the Babri Masjid there was a period when our work slowed down tremendously, it almost came to a standstill. The riots destroyed something within us as they did in society at large. In the past two years we have again started working with rebuilt enthusiasm. We have sustained our work through our meagre personal resources and strengths and with this have acquired renewed faith and energy.

So far we have worked from the houses of our members, but with the increased work and the desire to reach out to more women, the lack of independent space is becoming a problem. We feel that it is important that there be an intimate space for women beyond the limits of their homes. Such space could give a sense of togetherness and community to women where we could meet each other, share with each other, learn from each other, and most importantly help and support each other. We are committed to the creation of such a space.

Evidently, this means a lot of work. So far we have worked voluntarily finding time and space from our very constrained personal and financial situations. To be able to keep up with the workload and to grow further it is necessary that some remuneration be made to those activists who are prepared to put in full time or part time work.

We need your support and co-operation for our work, be it at the level of day to day present activities or in terms of our future activities. Along with ideas from you about how we can move forward, material and financial help from you is most needed.

We send this communication to you with the hope that the dialogue that has been initiated will continue through active interaction between us.

In solidarity,

Yasmeen, Naseem, Kausar, Hasina and others
at Aswaaz-e-Niswan

Address for correspondence:

Awaaz-e-Niswan

c/o Hasina Khan

R.No. 02, 12 Yakub Street, R.C. Building,

Bombay 400 003, India

Appendix:

A Request for Donations from Bombay Feminists to support Awaaz i Niswan

The Muslim women's group Awaaz-e-Niswan, has been active in Bombay for the last ten years. As would be the case it has been a tough existence for them all along. It has been a constant struggle against all odds. The group has survived without a place, without any kind of funds, and with a formal, registered structure to the organisation. The need of the members to be able to carry out such work and the need for such an organisation in the area have helped the group sustain itself.

In the last two years there has been a consistent search for an office space. The rents in the area where they work have been prohibitive and getting any place in a school or through any other organisation has been tough because of the lack of registration of the group. Serious thought has been given to registering the organisation and it has been felt that whereas it would help to get a place and to channel funds, it could lead to other kinds of problems like interference from the State and political parties. In the vulnerable state that the group already finds itself, this could lead to major problems in their existence.

Some of us who have been connected with the organisation all along are suggesting a new way of dealing with this situation. Since the major reason for registration was the need for an office space and a regular income, we are suggesting that a private trust be formed which could very specifically be there to provide this for Awaaz-e-Niswan. We are taking the responsibility of operating and running the trust.

For the fund raising in this regard too we have a suggestion. We would like to build a corpus that on investment could provide for the necessary monthly expenses. We wish to build this corpus through individual donations only. In fact in India we want to do this through interest free loans from those who are committed to such issues.

Forum Against Oppression of Women

19-20, Bhatia Bhawan, Babrekar Marg,
Off Gokhale Road
Dadar (W) Bombay 400 028, India

Israel:

Isha L'Isha The Haifa Feminist Center

We are a group of women from all walks of Israeli life united in our determination as women to help other women. Israeli women, Jewish and Palestinian, are the leaders, initiators and planners of Isha L'Isha, which literally means "woman to woman". Isha L'Isha operates the only multi-service women's center serving Haifa and northern Israel. Israel's contemporary women's movement was born in Haifa in 1971, and Isha L'Isha continue the work of the movement.

Our Purpose

To raise the status of women in Israel.

To advocate and campaign for full civil rights and equal opportunities for all women.

To oppose all forms of physical, sexual and psychological violence against women.

To protect and promote the rights of women to control all decisions affecting their bodies.

To improve existing services and develop new projects in accordance with women's needs.

To create conditions for cooperation between women of different backgrounds.

Our On-Going Activities

Open Line for women providing assistance and referral in such areas as discrimination at work, sexual and physical harassment and abuse, family problems and health concerns.

Resource Center including a library, an audiovisual center, and archives which houses the largest collection of information on the subject of women in Israel.

Coalition Work for organizing feminist conferences, demonstrations and national campaigns. Public Lectures and Cultural Events to draw attention to different women's issues.

Skills Acquisition Courses.

Social and Cultural Activities for Lesbian women.

Media Watch that involves responding to false stereotyping and harmful portrayals of women.

Bi-monthly newsletter with a readership of 1500.

Outreach Work in Hebrew, Arabic, and Russian.

Our New Initiatives

Employment Skills Training Course gives needed information and assistance on how to find a job in Israel for immigrant women from Ethiopia and former Soviet Union.

The Palestinian and Mizrahi Women Outreach Programs run support groups for women in low-income Arab and Mizrahi (Jewish immigrants originally from Arab countries) neighborhoods.

The Women's Health Project allows women to take an active role in improving and maintaining their health by running women's health education programs in different community settings.

The Court Watch Projects monitors courtcases on cases of violence against women and, when injustices are recorded, takes action through official channels and the media.

Isha L'Isha

Haifa Feminist Center
47 Hillel, Haifa, Israel
Telephone: 04 853-0159 / 851-1954

Morocco:

Listening, Legal and Psychological Advice Center For Abused Women

The listening, legal and psychological center for abused women was set up by a group of women from various moroccan feminine and human rights organisations who firmly believe that:

- Women have the right to live in dignity and security
- Women are entitled to enjoy the rights and freedoms guaranteed by national law and international covenants,
- Violence against women is considered worldwide as
 - a human rights abuse
 - an invisible impediment to development,
 - an abuse of self-dignity.
- Women's silence in the face of violence
 - encourages the continuation of violence,
 - causes damage to women's psychological health,
 - induces severe consequences on both family and society.
- Therefore, it is the duty of everyone to extend support and assistance to women who are victims of violence whether in public or in private spaces and whatever the gender of the aggressor.

The center is a space for human solidarity against violence

Tools of work used by the center:

I Protection

- 1-Listening to victims of violence:
To break silence about violence against women.
- 2-Psychological guidance:
To help abused women recover their self-confidence.
- 3-Legal advice:
To inform the victims on their rights and provide them with legal advice.
- 4-Legal assistance
To provide the victims with legal assistance if necessary and when possible.

II Activities of advocacy

- Conferences,
- Round tables,
- Posters,
- Folders,
- Pamphlets,
- Media coverage through TV, radio and the press,
- Studies on violence and discrimination against women.

Violence against women takes several forms.

Most common are the following:

- a) Physical, sexual and psychological violence perpetrated within the family such as battering, sexual brutality practised on female children at home.

b) Physical, sexual and psychological violence perpetrated within society such as rape, sexual brutality, sexual harassment, intimidation at work, education institutions and other places, and forced prostitution.(1)

- Listening and guidance tasks are carried out by specialists in the fields of:
- communication
- psychology
- law
- Guidance work is based on the observance of the abused woman's free decision.

The center is managed by a board. The current board members are:

Mme. Aïcha El Karche	President of the Center
Mme. Saâdia Wadah	Secretary General
Mme. Najia Zirari	Treasurer
Mme. Malike Ghabbar	Assistant Treasurer
Mme. Zineb Miadi	Director of the center and consultant
Mme. Nouzha Skalli	Consultant
Mme. Assia El Wadie	Consultant
Mme. Rachida Tahiri	Consultant

Listening, Legal And Psychological Advice Center For Abused Women

Avenue de l'Hermitage rue 35 No. 22

Casablanca / Morocco

Telephone : 212 2 82 64 00 / 01

Fax : 212 2 82 64 00

(1) CF. article 2 of "Convention on the Elimination of all forms of Discrimination against Women".

Norway: Women Against Fundamentalism

Platform

Religious fundamentalism and Human Rights have often proved to be incompatible.

Women's democratic rights - as the right to speak, to enjoy religious freedom and to have the right to organize - are in a particularly exposed position. **Women Against Fundamentalism** intend to fight any religious oppression of women's right, especially in those countries where religious fundamentalists have obtained political power.

What is fundamentalism?

Fundamentalism is a political and religious phenomenon which is increasing everywhere.

Fundamentalists want to gain power even if it entails that people will lose their democratic rights, even their freedom.

Fundamentalists fight against progress and change.

Fundamentalists is to be found within many different beliefs, such as the Christian, Jewish, Islamic or Hindu religions.

Fundamentalists act in different ways due to the various social and political conditions that are to be found in different societies.

Resource Index

Fundamentalists will use religion as a weapon against their enemies. All their enemies are called enemies of the religion.

Our Program

The committee intends to disclose wrongdoing by fundamentalists against women.

The committee will collect and present facts which can document fundamentalists oppression of women, and present these facts as effectively as possible.

The committee will above all support women's fight in countries where fundamentalism is widespread, such as Iran, Afghanistan and Algeria.

The committee will especially turn its searchlight on the situation of women refugees who have had to leave their country because of fundamentalist oppression.

The committee intends to have an active co-operation and contact with other organisations in Norway and around the world.

The aim of the committee is to establish a clear borderline between political and religious power, all countries should have secular governments, independent of any church.

Women Against Fundamentalism is an international organization independent of any political parties.

Women Against Fundamentalism has a clear feminist profile because women are hardest hit by a fundamentalist government. Both men and women can be members. Only women can be members of the board.

Women Against Fundamentalism

c/o Farida Ahmadi,
Post Box 80, Veivjet, 0518 Oslo, Norway
Fax + 47 22 11 02 40

Bulletins and Journals

Cultural Critique

Editors

Donna Przybylowicz
Abdul R. JanMohamed,
University of California,

Irvine Berkeley

Since its first issue, Cultural Critique has brought together some of the most important work in the field of cultural analysis. Perhaps no other journal investigates cultural interpretation from such a broad perspective and from such an international point of view. The journal takes an interdisciplinary approach to cultural criticism, covering literary, philosophical, anthropological, and sociological studies and using Marxist, feminist, psychoanalytic, and post-structural methods. It draws on a large group of international corresponding editors to gather articles that examine intellectual controversies, trends, and movements in various parts of the world.

FREQUENCY:

Three times per year: January, May, and September

Bibliographic Information :

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Indexing/Abstracting:

The Left Index, Alternative Press Index, Sociological Abstracts (SA), Social Welfare, Social Planning/Policy and Social Development (SOPODA), and International Political Science Abstracts.

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Single issues:

Institutions: \$25.00

Individuals: \$15.00

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E-mail: jnl.orders@oup.co.uk

Sudan Human Rights Voice

A monthly newsletter, of the Sudan Human Rights Organisation

An annual subscription is £10 for individuals, £ 20 for organizations.

Sudan Human Rights Organization.

BH Box 8238,

London WC1N 3XX, U.K.

Tel:(044-171) 587-1586,

Fax: (044-171) 587-1298.

The Association for Middle East Women's Studies Review

is an affiliated organization of the Middle East Studies Association of North America, Inc.

AMEWS was founded over ten years ago by scholars interested in promoting quality research in the field of Middle East women's studies. To this end,

AMEWS organizes conference panels for the presentation of original scholarship, and through its quarterly publication, *The Association For Middle East Women's Studies Review* critiques the literature in the field, reviews films, provides a forum for the discussion of current issues, communicates events, jobs, and fellowship opportunities, puts scholars in touch with each other, and recognizes the accomplishments of its members.

Membership in AMEWS is open to anyone with an interest in Middle East women's studies.

Information on how to join AMEWS and to receive the *AMEWS REVIEW* is included at the end of this Web site.

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Articles in recent issues: *The Platform for Action of the Fourth World Conference on Women at Beijing: "An Agenda for Women's Empowerment"*

by Mahnaz Afkhami Nancy Gallagher's "Experience of a Lifetime" "The Year of the Muslim Woman" by Sondra Hale Val Moghadam on "the Muslim-Catholic Coalition" and other highlights "More action, less dissension than Nairobi" by Nayereh Tohidi Leila Abouzaid "on Beijing, & other thoughts" Other meetings, conferences, and exhibits: A Symposium on Women Writers in Damascus by Miriam Cooke. Janet Afary reports on the National Women's Studies Association meeting. Arab Regional Symposium on Gender and Human Development/ Beijing and Beyond reviewed by Val Moghadam. A Women's Book Fair in Cairo by Elizabeth Fernea. "The MESA Book Exhibit: What's New" prepared by Michelle Kimball.

Book Reviews: Simona Sharoni's *Gender and the Israeli-Palestinian Conflict*, reviewed by Amal Kavar. Sondra Hale's *Gender Politics in Sudan* reviewed by Anne Jennings. Marcia Inhorn's *Infertility & Patriarchy* reviewed by Leila Hessini. Carolyn Fluehr-Lobban's *Islamic Society in Practice* reviewed by Anne Jennings. *The Nubians of West Aswan* by Anne Jennings reviewed by Faeghi Shirazi. *Bartered Brides: Politics Gender and Marriage in an Afghan Tribal Society*, reviewed by Valentine Moghadam.

Four new books by Margot Badran, Diane Singerman, Fatima Mernissi, and Karin van Nieuwkerk, reviewed by Sherifa Zuhur. *Muslim Women's Choices, Religious Belief and Social Reality* edited by Camillia Fawzi El-Solh and Judy Mabro, reviewed by Sondra Hale. *Marriage on Trial: A Study of Islamic Family Law*, by Ziba Mir-Hosseini, reviewed by Janet Afary. *Populism and Feminism in Iran*, reviewed by Janet Afary. *Food for our Grandmothers*, reviewed by Nadine Naber. *Tata Olga's Hands* by Lisa Majaj. *Daughters of Another Path: American Women Choosing Islam*. reviewed by Michelle Kimball. *Films Berdel*, reviewed by Gonul Ertem. *Iraqi Women*, reviewed by Eleanor A.

Doumato Commentary: "Is Teaching About Muslim Women 'part of the problem'?" by Eleanor A. Doumato Anne Jennings responds to Faeghi Shirazi's review of Nubians of West Aswan.

The AMEWS Review welcomes unsolicited reviews and other articles. Send disk and hard copy or e-mail to AMEWS Editor, 64 Alumni Ave., Providence, RI. 02906, USA,

E-mail edoumato@uriacc.uri.edu, phone (401) 792-2528. Membership in AMEWS, circulation questions, and all other business matters are administered by Lori-Ann Thompson, 3000 Lillard Dr. #203 Davis, CA 95616.

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Phone : 916-758-2569.

Middle East Studies Association

Nancy Gallagher

e-mail : gallaghe@humanitas.ucsb.edu

Avaye Zan

Iranian Women's Voice

Avaye Zan, Women's Voice, is a Persian language journal for Iranian women

This journal has been published since 1991 in Norway and Sweden.

Editors: Mina Poya, Sholeh Irani

Editorial Board: Neda Agah, Azadeh Shokohi, Parvin Hamedani, Zoya

Saroujan. Shukuh Jalaie.

For subscription please write to:

Avaye Zan, Box 5125, 163 05

Spånga, Sweden.

or

Avaye zan, PB 3940, 0805

Oslo, Norway

E-mail: sholeh.irani@mailbox.swipnet.se

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A Bibliography of Periodical Literature that puts at your disposal a listing of an average of 750 articles and book reviews.

Resource Index

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single copy \$10.

Institution, one-year \$48
single issue \$18.

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(Volume 51 • Number 3 • Summer 1997)

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Arabia - Sharif S. Elmusa

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Change - Shafeeq Ghabra

The Advent of Electoral Democracy in
Morocco's Constitutional Monarchy?
The Referendum of 1996 - Gregory
White

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Opposition to Jewish Statehood in
Palestine, 1944-49 - Ignacio Klich

Can Islamists Be Democrats? The Case of
Jordan - Glenn E. Robinson

Available on 21 July 1997

Contact Address:

Middle East Institute

1761 N Street, NW

Washington, DC 20036-2882, U.S.A.

Books and Papers

Behind the Veil: Ceremonies, Customs and Colour

Shaista Suhrawardy Ikramullah

1992, 191 pages

Oxford University Press

5, Bangalore Town, Block 7 & 8, Sharae Faisal
P.O. Box 13033, Karachi 75350, Pakistan

Mixed Blessings: Gender and Religious Fundamentalism Cross Culturally

Edited by Joan Mencher and Judy Brink

1996, 256 pages

Routledge

29 West 35th Street,
New York, NY 10001-229, U.S.A.

The Pure and the Powerful: Studies in Contemporary Muslim Society

Nadia Abu-Zahra

April 1996, 256 Pages

ISBN: 0-86372-179-6

Itacha Press - Garnet Publishing Ltd.

8 Southern Court, South Street,
Reading, Berkshire RG1 4QS, U.K.

Unspoken Rules: Sexual Orientation and Women's Human Rights

Edited by Rachel Rosenbloom

Foreword Charlotte Bunch

Contents

Introduction Rachel Rosenbloom

Country Reports:

Argentina, Austria, Brazil, Britain,
Canada, Columbia, Estonia, Germany,
Hong Kong, India, Iran, Israel, Japan,
Jordan, Malaysia, Netherlands,
Nicaragua, Norway, Philippines, Poland,
Romania, Russia, Serbia, South Africa,
Spain, Thailand, Turkey, United States,
Uruguay, Zimbabwe.

1996, 272 pages

ISBN 0 304 33764 1 (Paper)

LPC Group

1436 W. Randolph
Chicago, IL 60607, U.S.A.

Women in Afghanistan: A human rights catastrophe

Amnesty International

Contents

Introduction

2. Political background

3. Civilian victims of armed conflict

4. Killings by armed political groups

5. Rape and other torture

6. Abductions and sexual abuse by
armed political groups

7. Persecution of women's organizations

8. Refugees and the displaced

9. Traumatized by the brutality
10. Women's rights violated with impunity
11. Conclusions and recommendations 1995

Reference No.: AI Index: ASA 11/03/95

This report is accessible on the Internet at the below address:

<http://www.amnesty.org/ailib/intcam/afgan/afgtoc.htm>

Amnesty International

International Secretariat
London, U.K.

The World of Muslim Women in Colonial Bengal, 1876-1939

Sonia Nishat Amin

This highly interesting book studies the cultural context of modernisation of middle-class Muslim women in late 19th- and 20th-century Bengal.

Its frames of reference are the Bengal 'Awakening', the Reform Movements—Brahmo/Hindi and Muslim—and the Women's Question as articulated in material and ideological terms throughout the period. Tracing the emergence of the modern Muslim gentlewomen, the bhadramahila, starting in 1876 when Nawab Faizunnesa Chaudhurani published her first book and ending with the foundation in 1939 of The Lady Brabourne College, the book gives an excellent analysis of the rise of a Muslim woman's public sphere and broadens our knowledge of Bengali social history in the colonial period.

Social, Economic and Political Studies of the Middle East and Asia, 55

October 1996. 312 pp.
ISBN 90 04 10642 1

E.J. Brill

P.O. Box 9000
2300 PA Leiden, The Netherlands

Women and Development in the Middle East, Perspectives of Arab NGO's and project participants

Inge Arends (Editor)

1995

Middle East Research Associates (MERA)

Women and Development Project
PO Box 10765, 1001 ET, Amsterdam
The Netherlands
Fax: (31) 20-694 2270

**Sri Lanka:
A Bitter Harvest**

Elisabeth Nissan

MRG International Report, No. 96/1
The report describes the origins and historical development of the 15 odd years of protracted armed conflict that has wracked the South Asian Nation of Sri-Lanka. It analyzes the internal divisions within the Sinhalese and Tamil communities, describes how Sri-Lanka's Muslim community has become caught up in the conflict, and details the civil, political, social, economic and cultural rights of all of Sri-Lanka's minority groups.

1996, 46 pages

ISBN: 1-897693-31-1 / ISSN: 0305-6252

The Minority Rights Group

379 Brixton Road,
London SW9 7DE, U.K.

**A Celebration of Women:
Essays and Abstracts from the
Women's Studies Conference,
March 1994**

Edited by Nighat Said Khan, Rubina Saigol and Afiya Sherbano Zia

1995, 359 pages
ISBN 969 8217 21 5

ASR Publications

Flat No. 8, 2nd Floor, Sheraz Plaza
Main Market, Gulberg II
Lahore Pakistan

The Copts of Egypt

Edited by Saad Eddin Ibrahim

1996, 30 pages

The Minority Rights Group

379 Brixton Road,
London SW9 7DE, U.K.

**Embodied Violence:
Communalising Women's
Sexuality in South Asia**

**Edited by Kumari Jayawardena
and Malati de Alwis**

Contents:

Abducted Women, the State and
Questions of Honour: Three Perspectives
on the Recovery Operation in Post-
Partition India

Ritu Menon and Kamla Bhasin

Rape and Construction of Communal
Identity

Kalpana Kannabiran

Gender, Nationalism(s) and Cultural
Identity: Discursive Strategies and
Exclusivities

Shahnaz Rouse

Childhood and Role Models in the
Andar Mahal: Muslim Women in the
Private Sphere in Colonial Bengal

Sonia Nishat Amin

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Patriarchy and Militant Hindu
Nationalism

Uma Chakravarti

Institutions, Beliefs and Ideologies:
Widow Immolation in Contemporary
Rajasthan

Kum Sangari and Sudesh Vaid

1996, 299 pages

Kali for Women

B 1/8 Hauz Khas
New Delhi 110 016, India

**Everyday Islam:
Religion and Tradition in Soviet
Central Asia**

Sergei Poliakov

June 1992, 180 pages
ISBN: 0-87332-674-1 (Paper)

M.E. Sharpe Publishers

3 Henrietta Street, Covent Garden,
London WC2E 8LU, U.K.

**Developments in the Struggle
Against the Murder of Women for
the Sake of So-called 'Family
Honour'**

El-Fanar Report

October 1994, 16 pages

El-Fanar:

The Palestinian Feminist Organisation

P.O. Box 44477
Haifa, Israel

Fundamentalism and Militarism: A Report on the Root Causes of Human Rights Violations in the Sudan

Abdullahi A. An-Na'im and Peter N. Kok
1991. 39pp

The Fund for Peace Horn of Africa Project

Horn of Africa Program
823 United Nations Plaza, Suite 717,
New York, NY, 10017, USA
Tel: (212) 661-5900,
Fax: (212) 661-5904;
Email: ffpeace@igc.apc.org.
Contact: Leah Leatherbee.

Fundamentalisms Comprehended

**Edited by Martin E. Marty and R. Scott
Appleby**

This volume marks the culmination of the Fundamentalism Project, a landmark series that brings together scholars from around the world to explore the nature and the impact of fundamentalist movements in the twentieth century.

1995, 528 pages
ISBN: 0-226-50887-0

The University of Chicago Press

5801 South Ellis Avenue
Chicago, IL 60637, U.S.A.

Gendering Orientalism: Race, Femininity and Representation

Reina Lewis
1996, 267 pages

Routledge
11 New Fetter Lane
London EC4P 4EE, :U.K.

In Struggle Together: Process to Beijing & Beyond

20th - 23rd April 1995,
Al-Hambra Art Centre,
The Mall, Lahore
(Report of the National Conference /
Assembly and Cultural Festival)

Written, Translated and Compiled by
Nighat Said Khan, Jaweria Khalid and
Afiya Shehribano Zia.

1995, 102 pages

ASR Publications

P.O. Box 3154,
Gulberg 2,
Lahore, Pakistan

In Whose Image ? Political Islam and Urban Practices in Sudan

T. Abdou Maliqalim Simone

A Muslim scholar with extensive experience in Africa, T. Abdou Maliqalim Simone was recruited by the Islamic fundamentalist Shari'a Movement in Sudan to act as consultant for its project to unite Muslims and non-Muslims in Khartoum's shanty towns.

Based on his interviews with hundreds of individuals during this time, plus extensive historical and archival research, *In Whose Image?* is a penetrating examination of the use of Islam as a tool for political transformation.

1994, 274 pages
ISBN: 0-226-75870-2 (Paper)

The University of Chicago Press

5801 South Ellis Avenue
Chicago, IL 60637, U.S.A.

**The Iranian Constitutional
Revolution, 1906-1911:
Grassroots Democracy, Social
Democracy and the Origins of
Feminism**

Janet Afary

The History and Society of Modern
Middle East Series

1996, 448 Pages
ISBN: 0-231-10351-4 (paper)

Columbia University Press

562 West, 113th Street
New York, U.S.A

**Memorandum on Reform of Laws
Relating to Sexual Offences**

Prepared by Centre for Feminist Legal
Research

Centre for Feminist Legal Research

B-12 Maharani Bagh
New Delhi 110 065, India

**Le Réformisme Musulman
en Asie Centrale:
Du premier renouveau
à la soviétisation 1788-1937**

Cahiers du Monde Russe

**Russie - Empire russe - Union Soviétique
Etats indépendants XXXVII (1-2)**

1996, 244 pages
ISBN: 2-7132-1211-1

Editions de l'Ecole des Hautes Etudes en
Sciences Sociales

Distribution:

**Centre Interinstitutionnel
pour la Diffusion de publications
en sciences Humaines**

131, bd Saint Michel,
F-75005 Paris, France

Riots and Pogroms

Edited by Paul R. Brass

May 1996, 320 pp.
ISBN: 0-8147-1247-6

New York University Press

70 Washington Square South
New York, N.Y 10012, U.S.A

The Circling Song

Nawal Al-Sa'dawi

English Translation Marilyn Booth
1989

Zed Books

7 Cynthia Street,
London N1 9JF, U.K.

**Sex Crime in the Islamic Context:
Rape, Class and Gender in Pakistan**

Afiya Shehrbano Zia

ASR Publications

Flat No. 8, 2nd Floor, Sheraz Plaza
Main Market, Gulberg II
Lahore, Pakistan

**Sudan:
Conflict and Minorities**

Minority Rights Group

The situation in Sudan today is critical. A devastating civil war continues and the Sudanese people are subject to gross human rights abuses, political and religious intolerance, forced relocations and hunger. The war is often portrayed as a battle between the Muslim North and Christian South. As MRG's timely Report demonstrates, this over-simplification dangerously obscures the real causes and nature of the conflict. It distorts Sudan's political history, inhibits an understanding of the plight of its peoples and hides the position of mino-

riety groups and women. Sudan: Conflict and minorities provides a comprehensive understanding of the background and course of the civil war in Sudan. It closely examines the position of the country's minorities, including the discrimination faced by the Copts and the massacres of the Dinka and peoples of the Nuba Mountains. The Report places this repression within a clear, often neglected, historical context. MRG's Report discusses the potential for an end to the conflict. It makes a series of recommendations to be enacted immediately if Sudan and its peoples are to move towards a peaceful future.

Series: Minority Rights Group Reports
August 1995, 44pp
ISSN 0305 6252, ISBN 1 897693 65 6

Minority Rights Group

379 Brixton Road,
London SW9 7DE, UK.
Fax: +44(0)171 738 6265

**Muslim Communities
in the New Europe**

**Edited by Gerd Nonneman, Tim Niblock
and Bogdan Szajkowski**

March 1996, 336 pages
ISBN 0-86372-192-3

Itacha Press - Garnet Publishing Ltd.

8 Southern Court, South Street,
Reading, Berkshire RG1 4QS, U.K.

**Cartographies of Diaspora:
Contesting Identities**

Avtar Brah

Gender Racism and Ethnicity Series
September 1996, 288 pages
ISBN 0-415-12126-4

Routledge

11 New Fetter Lane
London EC4P 4EE, U.K.

**Work, Ritual, Biography:
A Muslim Community
in North India**

Deepak Mehta

Work, Ritual, Biography provides an analysis of a community of Muslim weavers of Barabanki in Uttar Pradesh. It discusses the nature of weaving, its links with the sacred, and its embeddedness in the Ansari social structure.

The processes of weaving are formulated with reference to the Mufidul Mu'minin, the sacred text of the weavers. Through its strategic uses, the Ansaris constitute a tradition of work, one that talks of the nobility of the craft. In this tradition, the role of women workers is subordinated. However, as quilt-makers, women also constitute an autonomous domain of work, from within which they critique the orthodox tradition.

Common to both weaving and quilt-making is the emphasis on embodiment. The body is consciously represented as the site on which the social structure of the Ansaris is inscribed. This inscription is also found in the ritual of circumcision. Through the ritual the body is a zone of enacting the divisions of the social structure, but also the site where the community of Islam is inscribed.

This inscription becomes problematic with the discourse of an individual member of the community, known as Sufi Baba. Through his bodily practices he interrogates the boundary of the Ansari social structure and expresses an alternative sacrality.

1997, 283pp.
ISBN: 0-19-564021-7

Oxford University Press

New Delhi
India

The Invention of Tradition

E. Hobsbawn and T. Ranger (eds.)
1983

Cambridge University Press
The Edinburgh Building,
Cambridge CB2 2RU, , U.K.

**Being Muslim the Bosnian Way:
Identity and Community in a
Central Bosnian Village**

Tone Bringa
1996
ISBN: 0-691-00175-8 (Paper)
Princeton Studies in Muslim Politics

Princeton University Press
3175 Princeton Pike,
Lawrenceville, NJ 08648, U.S.A.
Internet access:
[http:// aaup.princeton.edu/pupress](http://aaup.princeton.edu/pupress)

**Hatreds:
Racialized and Sexualized Conflict
in the 21st Century**

Zillah Eisenstein
September 1996, 224 pages
ISBN: 0-415-91221-0 (Paper)

Routledge
11 New Fetter Lane,
London EC4P 4EE

Women and Property in Morocco

Vanessa Maher
1974
Cambridge University Press
The Pitt Building, Trumpington Street
Cambridge CB2 1RP, U.K.

Islamic Society in Practice

Carolyn Fluehr-Lobban
1994, pp 201
University of Florida Press
Gainesville, Florida, U.S.A

**A Matter of Power:
State Control of Women's
Virginity in Turkey**

Human Rights Watch - Women's Rights Project
Human Rights Watch Women's Rights Project charges the Turkish government with the forcible imposition of virginity control examinations on women in police custody. The report finds that police force female political detainees and common criminal suspects to undergo gynecological examinations for the purpose of determining the status of their hymens. It also finds that state officials, who place no similar emphasis on male virginity, have subjected female hospital patients, state dormitory residents and women applying for government jobs to such exams. They also participate in virginity control exams instigated by private individuals. The report concludes that, despite Turkish government pledges to address this problem, state agents continue to participate in this discriminatory and invasive practice in police custody and elsewhere.

Based on a July 1993 mission to Turkey, the report documents cases of forcible virginity control exams involving female political detainees, common criminal suspects and women in other state agencies. In the case of political detainees, police argue that the exams are necessary protection against custodial abuse. In fact, the exams are themselves abusive. Women victims of virginity exams report that the exams are degrading and often painful.

As the report notes, in societies as diverse as China and Italy, female virginity is

emphasized as an important social norm that operates as a means of controlling women's behavior. Women who compromise their reputations as virgins may be regarded as unmarriageable or may be reviled by their family members. The threat of such consequences compels women to conform to the behavioral standards deemed honorable in their community.

The state's own use of forcible virginity exams legitimize the regulation of female virginity in Turkey more generally where social and legal norms combine to equate the maintenance of female virginity with family or male honor. A woman's rights to bodily integrity and privacy are seen as subordinate to the family's interest in maintaining its honor, in part through the use of virginity control exams. Although the conduct of private individuals is largely outside the scope of the report, Human Rights Watch is concerned about state involvement in the conduct of invasive and degrading virginity control exams instigated by private individuals.

Human Rights Watch commends the efforts of some Turkish doctors to end the participation of medical professionals in abusive virginity exams. Many doctors, however, continue to subject women and girls to this gross invasion of their bodily integrity. The report calls on the entire Turkish medical community to refuse to participate in such exams. Human Rights Watch urges medical schools and organizations to oppose publicly virginity exams and to educate medical professionals of their rights and responsibilities. All health care providers should secure a woman's consent before performing any gynecological exam.

June 5, 1994

Human Rights Watch

(Publications Department)
485 Fifth Avenue, New York,
NY 10017-6104, U.S.A.

Muslim Women

**Throughout the World:
A Bibliography**

Michelle Kimball and Barbara R. von Schlegell

A comprehensive bibliography covering nearly 3000 English language books and articles on Muslim women throughout the world.

October 1996, 285 pp.
ISBN: 1-55587-680-3

Lynne Rienner Publishers

1800 30th St., Suite 314
Boulder, CO 80301, U.S.A.

**Women's Education, Autonomy
and Reproductive Behaviour:
Experiences from Developing
Countries**

Shireen Jejeebhoy

International Studies in Demography
1995, 324pp.
ISBN: 0-19-829033-0

Oxford University Press

Great Clarendon Street
Oxford OX2 6DP, U.K.

Populism and Feminism in Iran

Haideh Moghissi

Women's Studies at York Series
1994, 227 pp.

Saint Martins Press

257 Park Avenue South,
New York, NY 10010, U.S.A.

Women in Saudi Arabia Today

Mona AlMunajjed

Based on intensive interviews with some 100 Saudi Women from different social, economic and educational back-

grounds, in the city of Jeddah, this study examines the status of women in Saudi Arabia.

1996, 160 pp.

Saint Martins Press

257 Park Avenue South,
New York, NY 10010, U.S.A

Marriage and Divorce in Islamic South-East Asia

Gavin W. Jones

South-East Asian Social Science Monographs
1994, 348 pages

Oxford University Press

37 Jalan Pemimpin,
#03-03 Union Industrial Building, Block 'A',
Singapore 2057

Women Vs. Capital: The Socio Economic Formation in Palestine

Adel Samara

1996, 89pp.

Al Mahriq for Development and Cultural Studies

Ramallah, P.O. Box 1010
West Bank Via Israel

The Legal Status of Women and Poverty in Tanzania

Magdalena K. Rwebangira

Research Report No. 100
1996, 58pp.

Nordiska Afrikainstitutet

The Scandinavian Institute of African Studies

P.O. Box 1703, S-751 47
Uppsala, Sweden

Women in the Quran: Traditions and Interpretations

Barbara Freyer Stowasser

1994, 206pp.

Oxford University Press

Great Clarendon Street
Oxford OX2 6DP, U.K.

Islam in Revolution: Fundamentalism in the Arab World

R. Hrair Dekmejian

1995, 324pp.

Syracuse University Press

1600 Jamesville Avenue
Syracuse, New York 13244-5160, U.S.A.

Cultures in Conflict: Christians, Muslims and Jews in the Age of Discovery

Bernard Lewis

1985, 101 pp.

Oxford University Press

198 Madison Avenue,
New York, NY 10016, USA.

Pakistan: Tradition and Change

Khawar Mumtaz and Yameena Mitha

Oxfam Country Profile Series
1996, 64pp.

ISBN: 0-85598-336-1

Oxfam

274 Banbury Road
Oxford OX2 7DZ, U.K.

Dissertation and Theses

The Sociopolitical Status of Algerian Women

Ph.D. Thesis
submitted to the faculty of Philosophy
and Letters, University of
Granada 1993

Carmelo Pérez Beltrán

(In Spanish)

(Original title of the thesis is: Situacion
socio-politica de las mujeres argelinas)

Available on Microfilm from:

Universidad de Granada

Antiguo Colegio Máximo
Campus Universitario de Cartuja
18071 Granada, Spain

Beyond the Mysterious and Exotic: Women of Emirates Assess their Lives and Society

Ph.D. Dissertation Brown University
1994

Maha Kasim Khatib

Brown University

Providence,
Rhode Island 02912 , U.S.A

Creating the Ideal Woman and Reconstructing Islamic Women: Ideology, Power and Women's Consciousness in Post-Revolutionary Iran

Ph.D. Dissertation, University of
California, Los Angeles 1994

Hisae Nakanishi

University of California in Los Angeles (UCLA)

Box 951361
Los Angeles, CA 90095-1361, U.S.A.

The World of Pardanashin: Segregation (purdah), Power, and the Networks Among Upper Middle Class Women in Punjab, Pakistan

Masters Dissertation, in Social
Anthropology, University of Oslo, 1993.

Lillian Eide

1993

For information write to:

Institute and Museum of Anthropology

University of Oslo
Oslo, Norway.

Audiovisuals

Algerian Women at War

Format: VHS / PAL
Language: English
Duration: 52 minutes
Date: 1992

A documentary video produced by Channel Four Television (U.K.), ponders on the position of women in Algeria in the light of thirty years of single party rule, the rise of Islam, and increasing political violence and raises critical questions about the balancing act between women's and national liberation struggles.

Women Make Movies

462 Broadway, Suite 500C,
New York, N.Y. 10013, U.S.A.

Calling the Ghosts:

A Story about Rape, War and Women

Producer/Director: Mandy Jacobson

Duration: 60'
Language: English
Production: Bowery Productions

Childhood friends and former law colleagues in the small town of Prijedor in north-western Bosnia, Jadranka Cigelj and Nusreta Sivac were abruptly captured one day in 1991 and driven off to a centre where they were imprisoned and raped for two months before being released as suddenly as they had been taken. Both left Bosnia as refugees. But

during their imprisonment, they had vowed to tell the world of the horrors they both witnessed, and endured.

The fulfillment of that promise, Mandy Jacobson and Karmen Jelincic's documentary, *Calling the Ghosts*, is also a quest for justice in the world outside Bosnia to ensure that the two women's torturers - and the tormentors of so many others like them - are not allowed to go unpunished.

Bowery Productions

108 Bowery # 5
New York,
N.Y. 10013, U.S.A.

Women of the Aral

Director: Christopher Hooke

Duration: 14 minutes
Language: English
Production Co: TVE

The world's fourth largest lake - an oasis amongst the desert plains of Central Asia - the majestic Aral Sea was once the pride of Kazan. But an illjudged development project in the 1960s, designed to divert water from the Aral to irrigate mass cotton production, resulted in ecological disaster. The Aral has now shrunk to one third its original size, with a salt concentration no longer able to support marine life. Christopher Hooke's film opens in the city of Aralsk - once a bustling fishing port, now 80 km distance from the lake. Formerly fishermen, most of the men in Aralsk are now unemployed - and the onus to provide for their families has fallen on the

women. Organized into co-operatives, they are now manufacturing clothes and carpets out of the wool from their camels, sheep and goats.

Available from:

TVE

Prince Albert Road,
London NW1 4RZ, UK

Secret and Sacred

Producer/Director: Raphael Tuju

Duration: 30 min.
Language: English
Production Co: Ace
Communications Ltd

The ceremony takes three days - the operation only two minutes. Female circumcision is a custom practised in 50 per cent of the districts in Kenya, scarring women physically and mentally, and taking the lives of many. Heavily vascularized, the genitals are incredibly sensitive - operating on this region without anaesthetic, sterile instruments or recognised methods to stem the bleeding can be fatal. The ritual has further consequences: years after the operation, many women die in childbirth or become infected with the HIV virus contracted from infected ceremonial knives.

Women who escape the ritual are in danger of being ostracised by their community, looked upon as dirty and disrespectful of family and culture. Until recently, national and international governments have avoided confrontation on this issue; intervention in the past was interpreted as gross interference in valued cultural practices.

Raphael Tuju Esq.

ACE Communications Ltd

PO Box 61353
Nairobi, Kenya
Tel: (254 2) 890467/8
Fax: (254 2) 890469

Women of Gaza

Producer/Director: Antonia Caccia

Duration: 52 min.
Language: Arabic, English
Production Co: August Films Ltd,
Oxymoron films

In the poor, overcrowded refugee camps of the Gaza Strip - until recently under occupation by Israel - women's rights have often been more often honoured in the breach than the observance. "We were warned," says Antonia Caccia, director of this revealing documentary, "that most women would be afraid to speak out about their lives in front of the camera - that they would need permission from a father, brother, husband or son." Against all her expectations, women of all ages and classes came forward, eager to talk about the restrictions on their independence. How much they are allowed out of their homes, whether they can gain an education, and who they marry - all these decisions are determined by their male relatives.

Available from:

TVE

Prince Albert Road,
London NW1 4RZ, U.K.

Elles, Trente Ans Après

Director: Ahmed Lalle, Noé Mendelle

Duration: 52'
Language: French, English
Production: Steel Bank Films,
Agence Nationale des Actualités
Filmées, Airelles Video
Producer: Noé Mendelle

Twenty-five years ago director Ahmed Lalle made a film about a group of intelligent, spirited Algerian women just graduating from secondary school. Already then, they talked of the need to fight for their emancipation. But, one generation later, the political and civil

rights of Algerian women have become inextricably intertwined in the maelstrom of Algeria's current political crisis. In *ELLES, TRENTE ANS APRES*, Lallen seeks out 12 of the women from his first film to discover how their lives have changed. Half of them now live in France; the others in Algeria. Despite the dangers, they all agree to take part. Eschewing all direct political analysis, the film reveals the roles the women have negotiated for themselves within a traditional society fragmented by civil war.

TVE

Prince Albert Road,
London NW1 4RZ, U.K.

Rites of Passage: Four Stories of Survival

Producer/Director: Diane Best

Length: 24'

Language: English

Production Co: Kinross Films Inc

Diane Best's award-winning film tells the stories of four teenage girls coming-of-age in four very different communities - and the personal cost of this transition to adulthood for each of them. In the pressurised environment of shanty-town life in Nicaragua, Aleyda is addicted to glue-sniffing and is gradually slipping into a life of prostitution. In India, Tarranum - like so many girl children - has already been taken out of full-time education and is waiting to be married off by her parents. In Jamaica, Natalyn is 14 years old and seven months pregnant. While finally in Burkina Faso, Adjara faces the prospect of female genital mutilation - a tradition that the local women see as essential if women are to enter into married life.

Available from:

TVE

Prince Albert Road,
London NW1 4RZ, U.K. London NW1 4RZ

Hanan Ashrawi: A Woman of her Time

Producer/Director: Mai Masri

Duration: 52 min.

Language: English, Spanish,
French

Production Co: Nour
Productions, TVE

In the stormy aftermath of the Israeli-PLO peace accord, former Palestinian spokeswoman Hanan Ashrawi emerged as a powerful and outspoken stateswoman. A 47-year-old mother of two, and a central figure in the Middle East peace process, Ashrawi twice turned down the job of Minister of Information in the newly appointed Palestinian administration because she feared it would become a censorship department. Instead, she founded the Palestinian Independent Commission for Citizens' Rights whose goal is to put civil liberties on the Palestinian agenda. Mai Masri's film explores Ashrawi's early family life, her first encounters with the PLO and her struggle to reconcile her public life with her role as wife and mother - in a region where democracy has so far had little impact on the status of women.

Available from:

TVE

Prince Albert Road,
London NW1 4RZ, U.K.

Conferences

Sudan Human Rights activists commemorate the death of Ustad Muhammad Taha

The 11th anniversary of the execution of Ustadh Mahmud Muhammad Taha was marked by Sudan Human Rights Organisation on January 20 in London by a day-long well-attended event.

Ustadh Mahmud was executed in January 1985 by the regime of Gen. Ja'far Nimairi after being convicted with apostasy.

Though the September 1983 Islamic Penal Code did not provide for apostasy, the regime and its Islamist allies decided to go ahead with pressing the charge and carrying out the execution in a bid to silence any opposition to the regime.

Shortly after Ustadh Mahmud's execution, the same charge was used against some members of the Ba'th Party who were put on trial.

In marking the occasion, SHRO invited Professor Nasr Hamid Abu Zaid, professor of Arabic at University of Cairo, who gave a talk on the thought of Ustadh Mahmud.

Professor Abu Zaid himself is a recent example of the violations of the freedoms of thought and expression in the Muslim World.

His writings on Islam were fiercely opposed and attacked by Egyptian Islamists and in June 1995 a family law court passed a judgement divorcing Professor Abu Zaid from his wife, Dr Ibtihal Yunis, a university lecturer.

Though Egyptian law does not provide for apostasy, family law stipulates that Muslim women are not allowed to marry non-Muslims and the Islamists convinced the sharia court that Professor Abu Zaid's writings attested to his apostasy and hence his marriage was null and void.

In arguing their case, the Islamists appealed to HISBA, an Islamic institution that allows a third party to take legal action on the basis of damage done to the faith or society at large.

Elated with their court victory, the Islamists filed a case against Najib Mahfuz, the Nobel laureate for Literature; and others.

Though Professor Abu Zaid received huge moral support from fellow academics and intellectuals in Egypt and other Arab countries, he had to leave his country for fear for his life.

When SHRO invited him for its January event it wanted to express its solidarity with his plight and to re-affirm its unwavering commitment to the freedoms of thought and expression.

The freedoms of thought and expression are routinely violated in the Muslim World and the situation is particularly alarming in countries committed to the implementation of sharia.

Currently dominant interpretations of sharia insist on apostasy in the case of Muslims who cease to be Muslim.

The offence carries a mandatory death sentence. In Sudan, Article 126 of the 1991 Penal Code provides for apostasy.

The Article's loose definition of apostasy can turn it into a draconian measure as it can criminalise not only those who convert to other religions or turn atheist or agnostic but also those who express Islamic views that are judged as heterodox or heretical (which was the basis of Ustadh Mahmud's indictment).

SHRO has always called for the abolition of all laws that violate people's basic freedoms.

We have persistently called upon the Sudanese authorities to bring Sudanese laws into accordance with the norms and standards of international law. Sudan had acceded to the Universal Declaration of Human Rights of 1948 which explicitly provides for freedoms of thought and expression.

Article 126 constitutes a flagrant violation of the Declaration and deprives the Sudanese people from basic freedoms that they ought to enjoy.

Source:

Sudan Human Rights Voice,

February/April 1996

Sudan Human Rights Voice is published by SHRO, B.H. Box 8238
WC1N 3XX, U.K., London N17.

International Women's Conference for Peace 1-3 November 1996 in Istanbul

Subject of the Conference:

- to put and end to the war in Turkey waged against the Kurds, a war which has been going for the last twelve years;
- to achieve an active role for women's peace initiatives in finding a peaceful political solution to the Kurdish question;
- to organise events and initiatives and to establish more active women's initiatives with aims of achieving peace.

Aims of the Project:

- to achieve active participation of women's movements in peace efforts;
- to highlight the fact that in our society women are most affected by the war;
- to seek a solution to the dirty war against the Kurdish people in their own homeland;
- to expose Turkish state policy toward the Kurdish people;
- to evaluate the suggestions of the participants on the Kurdish question;
- to achieve basic strategies for peace efforts;

Implementation of the Project:

The Conference Preparatory Committee will have responsibility for the implementation of the project.

Duration of the project:

15 April - 31 December 1996

The organisers:

Mrs Cihan Sincar (Elected MP in Mardin but did not get a seat)
Mrs Aynur Gürbüz (HADEP's Istanbul Administrator)
Mrs Nebehat Akkoc (IDH- Diyarbakir Administrator)
Ms Nazmi Gür (IDH- Vice president of the Human Rights Association Ankara)

Introduction

International Women's Conference for Peace

The fundamental rights of our people are being systematically violated in the homeland of Kurdish women. In reality, the war being waged against the Kurdish people has gone beyond a simple violation of human rights. It has reached the point at which it aims at the total annihilation of the Kurdish people. This fact has been confirmed by independent bodies and individuals both nationally and internationally. In Turkey, particularly in areas where Kurds live, the right to live, civil security, freedom of speech and thought, just trial and defence, and many other basic fundamental rights are being violated.

Kurdish villages and towns are being forcibly evacuated by Turkish state forces. The Turkish state policy of depopulation and destruction of Kurdish areas is systematic and can only be described as ethnic cleansing. The main aim of this policy is to destroy the demographic structure of the Kurdish population and to put the Kurds in an ethnic minority status in their own country. It is also the state's official policy of draining the sea rather than trying to catch the fish. The local economy in the region has collapsed, woodland and human settlements destroyed and even animals made victim of this country. 2,617 villages were either evacuated or razed to the ground, 30 cities and town have been the targets of the Turkish state. If we take into consideration that there are altogether 5,000 villages and hamlets in the region, the level of the destruction becomes very clear.

Kurdish civilians have been the main victims of this dirty war. And Kurdish women and children are the ones who suffer the most. Today when Turkish soldiers raid Kurdish villages, there are only women left, no men. They beat the women and curse them. They harass the women and assault their children before their eyes. They smash all the furniture in the houses, they threaten the inhabitants, and force them to leave the village.

Thousands of Kurdish women are imprisoned in Turkish jails. The women are regularly tortured with the use of electrical shocks and other methods, including systematic rape by the police using truncheons and the barrels of rifles. Former DEP MP Leyla Zana has been imprisoned in Ankara Central Closed Prison since March 1994. She was sentenced to fifteen years in prison on charges of terrorism and separatism after her parliamentary immunity was lifted.

The tragic situation has imposed more difficult living conditions on Kurdish women. The strength drawn from the Kurdish resistance, the dignity of women, of being a mother, a human being, give Kurdish women the strength to resist this situation.

This dirty war has a negative effect not only on Kurdish women, in particular Turkish mothers who have sacrificed their sons in the cause of this war, have thus suffered great pain. Both Turkish and Kurdish women, noting that being women is not obstacle to making efforts to stop this war, are hand in hand, raising the need for peace.

For this reason we wish to bring together Turkish women from all around the world. Our main slogan will be "For a world without war". The international Women's Conference for Peace will be a platform for bringing women together for peace. And we believe this project for your attention.

Contact address:

IDH- Human Rights Association Diyarbakir (Mrs. Nebehat Akkoc)

Inonü Cad. Oryil Tabibler Sitesi 6-32

Diyarbakir/Turkey

Tel: 0090/412 223 45 26 or 0090/ 412 224 68 14

Fax: 0090/ 312 285 22 00 or 0090/ 312 285 22 97

Workshop: Women, culture and modernity

19-20 February 1996

"Women, Culture & Modernity in Middle Eastern Societies. Are Women to Culture as Men to Modernity?"

Presentations by:

Unni Wikan,
Valentine Moghadam,
Ziba Mir-Hosseini,
Saba Mahmood

Carsten Niebuhr instituttet

Kobenhavns Universitet,

Njalsgade 80, DK-2300 Kbh S

Denmark

e-mail: lkofloed@coco.ihl.ku.dk

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Women's Rights Activist Assassinated in Algeria
Human Rights Watch

Bangladesh

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The Center for Human Rights Legal Aid

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Stasa Zajovic

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to Religious Fundamentalism

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an Ismaili Shia (Daudi Bohra) Sect
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South China Morning Post

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and the Politics of Fundamentalism:
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