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

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Identity and its Discontents: Women and the Nation

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The aim of this paper is to explore some contradictory implications of nationalist projects in post-colonial societies. It examines the extent to which elements of national identity and cultural difference are articulated as forms of control over women and which infringe upon their rights as enfranchised citizens.

Despite the extensive literature on nationalism, there are relatively few systematic attempts to analyse women's integration into nationalist projects. The little there is conveys seemingly contradictory messages. Like Jayawardena, those who link the rise of feminist movements to anti-colonial and nationalist struggles note its coincidence with a move towards secularism and a broader concern with social reform.[1] Nationalist aspirations for popular sovereignty stimulate an extension of citizenship rights, clearly benefiting women. Since the emergence of women as citizens is also predicated upon the transformation of institutions and customs that keep them bound to the particularistic traditions of their ethnic and religious communities, the modern state is assumed to intervene as a homogenising agent which acts as a possible resource for more progressive gender politics.

In contrast, others expose state interventions as a sham by drawing attention to the purely instrumental agenda of nationalist policies that mobilise women when they are needed in the labour force or even at the front, only to return them to domesticity or to subordinate roles in the public sphere when the national emergency is over. The apparent convergence between the interests of men and the definition of national priorities leads some feminists to suggest that the state itself is a direct expression of men's interests.[2]

Further, Yuval-Davis and Anthias convincingly argue that the control of women and their sexuality is central to national and ethnic processes.[3] Women bear the burden of being 'mothers of the nation' (a duty that gets ideologically defined to suit official priorities), as well as being those who reproduce the boundaries of ethnic/national groups, who transmit the culture and who are the privileged signifiers of national difference. The demands of the 'nation' may thus appear just as constraining as the tyranny of more primordial loyalties to lineage, tribe or kin, the difference

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[1] K. Jayawardena, *Feminism and Nationalism in the Third World*, Zed Press: London, 1988; and M. Molyneux, 'Family[1] reform in socialist states: the hidden agenda', *Feminist Review*, 21, Winter 1985, pp. 47-64.

[2] C. MacKinnon, 'Feminism, Marxism, method and the state: an agenda for theory', *Signs*, 7, 3, 1989, pp. 515-44; V. Burstyn, 'Masculine dominance and the state', *Socialist Register*, 1983, pp. 45-89; M. Mies, *Patriarchy and Accumulation on a World Scale*, Zed Press: London, 1986. This perspective is found wanting by Connell, who criticises its 'categorialism' (see n. 11) and Yuval-Davis and Anthias (see n. 3), who discuss the limitations of reductionist approaches to the state.

[3] N. Yuval-Davis and F. Anthias (eds.), *Woman-Nation-State*, Macmillan: London, 1989.

4. C. Pateman, 'The fraternal social contract', in J. Keane (ed.), *Civil Society and the State*, Verso: London, 1988, p. 102.

being that such demands are enforced by the state and its legal administrative apparatus rather than by individual patriarchs.

These superficially divergent points of view share an important commonality: a recognition that the integration of women into modern 'nationhood', epitomised by citizenship in a sovereign nation-state, somehow follows a different trajectory from that of men. Where do the sources of this difference reside?

According to some writers, women are relegated to the margins of the polity even though their centrality to the nation is constantly being reaffirmed. It is reaffirmed consciously in nationalist rhetoric where the nation itself is represented as a woman to be protected or, less consciously, in an intense preoccupation with women's appropriate sexual conduct. The latter often constitutes the crucial distinction between the nation and its 'others'.

For Pateman, modern civil society 'is constituted through the "original" separation and opposition between the modern, public-civil world and the modern, private or conjugal familial sphere'.[4] It emerges as a patriarchal category. Moreover, Pateman interprets the transition from the traditional to the modern world as 'a change from a traditional (paternal) form of patriarchy to a new specifically modern (or fraternal) form: patriarcal civil society'[5]. It follows that the concepts of 'citizen' and 'civil society' must be read in the masculine. Mann, on the other hand, suggests that since women have at least achieved legal rights, patriarchy has, in the modern nation-state, evolved into 'neo-patriarchy'.[6] This is a position echoed by Water's preference for the term 'viriarchy'.[7] Walby, who proposes a multi-factor account of patriarchy, distinguishes between two main forms - private and public. Private patriarchy is based on the relative exclusion of women from arenas of social life other than the household and the appropriation of their services by individual patriarchs within the confines of the home. Public patriarchy is based on employment and the state; women are no longer excluded from the public arena, but subordinated within it. More collective forms of appropriation of their services supersede the individual mode of private patriarchy. Walby argues that the twentieth century has witnessed a major shift from private to public patriarchy.[8]

From a perspective that links women's rights to historical changes in patriarchy, the national projects of most 'modernising' states may seem to introduce a tug-of-war between private and public patriarchy. Indeed, one finds battles over women's souls (exemplified in debates over educating women) and their bodies (seen in debates over fertility control) and between the bureaucrat or the district commissar versus the male household head, the tribal chief or the local mullah. The battles are crucial to secular nationalism and signal women's entry into the 'universal' realm of citizenship. However, as Yuval-Davis cautions, we should be wary of ethnocentric definitions of the private and the public and acknowledge the extent to which the boundaries of the so-called private domain are in fact structured by the state.[9]

The definition of household and kin-based controls over women as 'private' presupposes the existence of a central state apparatus that subordinates such entities to its own political ends. Likewise, it is an entirely different matter for a woman to be subject to the customary strictures of a community which happens to be Hindu or Muslim and quite another for her to live under a

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[4] C. Pateman, 'The fraternal social contract', in J. Keane (ed.), *Civil Society and the State*, Verso: London, 1988, p. 102.

[5] *Ibid.*, p. 104, emphasis in the original.

[6] M. Mann, 'A crisis in stratification theory? Persons, households/families/lineages, gender, classes and nations', in R. Crompton and M. Mann (eds.), *Gender and Stratification*, Polity Press: Oxford, 1986, pp 40-56.

[7] M. Waters, 'Patriarchy and viriarchy: an exploration and reconstruction of concepts of masculine domination', *Sociology*, 23, 2, 1989, pp. 193-211.

[8] B. S. Walby, *Theorising Patriarchy*, Blackwell: Oxford, 1990.

[9] N. Yuval-Davis, 'Woman, the state and ethnic processes - the citizenship debate', forthcoming in *Feminist Review*.

regime that has adopted one or another faith as a source of public policy, social legislation and national identity. A sphere marked out as 'private' at one stage of nation-building may reappear with the full trappings of the 'public' at another, their boundaries being fluid and subject to redefinition.[10]

Thus, while acknowledging women's differential and often tentative integration into national projects, I am reluctant to describe the diversity of their experiences with reference either to the public/private distinction or to types of patriarchy. I agree with Connell that the state is centrally implicated in gender relations and that each state embodies a definable 'gender regime'.[11] Moreover, I feel that the nationalist histories of states and their politics of national identity can shed considerable light on the nature and transformation of gender regimes. I shall, therefore, focus quite narrowly on the contradictions inherent in the gender agenda of some nationalist projects and examine how women can, at the same time, participate actively in, and become hostages to, such projects.

A feature of nationalist discourse that has generated considerable consensus is its Janus-faced quality. It presents itself both as a modern project that melts and transforms traditional attachments in favour of new identities and as a reaffirmation of authentic cultural values culled from the depths of a presumed communal past.[12] It therefore opens up a highly fluid and ambivalent field of meanings which can be reactivated, reinterpreted and often reinvented at critical junctures of the histories of nation-states. These meanings are not given, but fought over and contested by political actors whose definitions of who and what constitutes the nation have a crucial bearing on notions of national unity and alternative claims to sovereignty as well as on the sorts of gender relations that should inform the nationalist project.[13] In what follows, I will first examine how the vagaries of nationalist discourse are reflected in changing portrayals of women as victims of social backwardness, icons of modernity or privileged bearers of cultural authenticity. I shall then consider some of the tensions and contradictions in nationalist projects that ultimately limit women's claims to enfranchised citizenry. I will draw my illustrations primarily from the Middle East and South Asia where women's rights continue to occupy part of a violently contested ideological and political terrain.

Women, Nationalism and the Politics of Modernity

Debates about the nature of society within turn of the century modernist movements in the Middle East gave the position of women a prominent place. Just like Western colonisers who used the 'plight' of Oriental women as a hallmark of the savagery and depravity of the colonised and as a justification of the mission incumbent upon their own civilisational superiority, modernist reformers bemoaned the condition of women as a clear symptom of backwardness.[14] As Zubaida points out, the main enemy of early reformers was 'backwardness' rather than 'foreignness'.

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[10] I would consider it a serious misjudgement to interpret state-sponsored attempts at policing women's conduct, even when they are religiously inspired as in Iran, as a return to or extension of the 'private'. For such a point of view, see P. Vieille, 'The state of the periphery and its heritage', *Economy and Society*, 17, 1, 1988, p. 66.

[11] R. W. Connell, 'The state, gender and sexual politics: theory and appraisal', *Theory and Society*, 19, 5, 1990, pp. 507-44.

[12] A. D. Smith, *Theories of Nationalism*, Duckworth: London, 1971; E. Gellner, *Nations and Nationalism*, Blackwell: Oxford, 1983; B. Anderson, *Imagined Communities*, Verso: London, 1983; and H. K. Bhabha (ed.), *Nation and Narration*, Routledge: London, 1990.

[13] The national projects of modern states may involve a denial of the separate existence of ethnically and culturally distinct collectivities (such as the Kurds in Turkey). The collectivities whose identities are thus subordinated may evolve their own national projects with attendant claims to sovereignty. Definitions may also change over time. The current political struggle in India partly centres on a redefinition of 'Indianness' as coterminous with Hinduism, the Muslims being cast as 'foreigners' in the midst of the Hindu nation

[14] For an excellent account of Orientalist depictions of women see, S. Graham-Brown, *Images of Women*, Quartet Books: London, 1988.

Although they were politically opposed to European domination, they were not culturally antagonistic to its civilisation.[15] At this stage, the emancipation of women could be presented as part and parcel of a national regeneration project articulated in the language of moral redemption. A pervasive feature of such 'feminism' was that rather than presenting itself as a radical break with the past, which it did in fact represent, it often harkened back to more distant and presumably more authentic origins. Islamic reformists could claim that early Islam had been corrupted by foreign accretions and bad government, and that early Islam was, in fact, totally compatible with progressivist ideals. Those who emphasised ethnic rather than Islamic sources of national identity invoked a pre-Islamic past (in Central Asia for the Turks, in the Pharaonic era for Egypt and in the pre-Islamic dynasties for Iran) as the repository of national values implying a higher status for women than was the rule in their current societies. Similar tendencies were apparent in India with the invocation of a golden age of Hinduism that was not oppressive to women. The 'modern' was thus often justified as the more 'authentic' and discontinuity presented as continuity.

Before concluding, as does Gellner, that this is an instance of the 'pervasive false consciousness' of nationalist ideology, we must pause to consider the particular perils of a 'modernist' position on women and gender relations in many post-colonial societies.[16] Nationalism and secularism principally appealed to a narrow stratum of the bourgeoisie and bureaucracy who, despite their political credentials as anti-imperialists, could nonetheless be accused of succumbing to Western cultural hegemony. Moreover, representatives of more traditional ideologies as the ulama (Muslim clergy) did not deny the need for technological progress, modern armies or more efficient administration. However, for the achievement of progress to proceed without undue dilution of national identity (a key dilemma of cultural nationalism), the central symbols of this identity must be preserved and safeguarded from contaminating foreign influences. Tensions between modernist and organicist, anti-modernist strands in nationalism found a natural focus around the personal status of 'modern' citizenry and, more particularly, around the place and conduct of women. Since they were operating essentially within the same symbolic universe, secular nationalists were at pains to establish the indigenous and patriotic credentials of their modernising projects. Women participating in nationalist movements were likewise prone to justify stepping out of their narrowly prescribed roles in the name of patriotism and self-sacrifice for the nation.[17] Their activities, be they civic, charitable or political, could most easily be legitimised as natural extensions of their womanly nature and as a duty rather than a right. Modernity was invested with different meanings for men, who were relatively free to adopt new styles of conduct, and women, who, in Najmabadi's terms, had to be 'modern-yet-modest'.[18]

Meanwhile, in what constituted an explicit reversal of Orientalist depictions of passive, veiled women, nationalist propaganda began portraying women unveiled, participating in athletic competitions, making public speeches and handling sophisticated technology. As Graham-Brown points out, these icons of modernity were less a comment on changing gender relations than a symbolic evocation of the dynamism of a 'new' nation.[19] Schick suggests that in such a context:

> a photograph of an unveiled woman was not much different from one of a tractor, an industrial complex, or a new railroad; it still merely symbolised yet another one of men's

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[15] S. Zubaida, 'Islam, cultural nationalism and the left', *Review of Middle East Studies*, 4, 1988, p. 7.

[16] Gellner, *op. cit.*, p. 124.

[17] The memoirs of the Turkish and Egyptian feminists Halide Edib and Huda Sharaawi confirm this view. A broader assessment of women's nationalist activities may be found in B. Baron, 'Women's nationalist rhetoric and activities in early twentieth-century Egypt', in L. Anderson et al. (eds.), *The Origins of Arab Nationalism*, Columbia University Press: New York, 1991.

[18] A. Najmabadi, 'The hazards of modernity and morality: women, state and ideology in contemporary Iran', in D. Kandiyoti (ed.), *Women, Islam and the State*, Macmillan: London, 1991, p. 49.

[19] Graham-Brown, *op. cit.*, p. 220.

achievements. One again reduced to mere objects, women were, in these images, at the service of a political discourse conducted by men and for men.[20]

Yet women's stake in nationalism is far more complex than the foregoing suggests. On the one hand, nationalist movements invite women to participate more fully in collective life by interrelating them as 'national' actors: mothers, educators, workers and even fighters. On the other hand, they reaffirm the boundaries of culturally acceptable feminine conduct and exert pressure on women to articulate their gender interests within the terms of reference set by nationalist discourse. Feminism is not autonomous, but bound to the signifying network of the national context which produces it.

In countries where the most prominent form of cultural nationalism is Islamic, for instance, feminists discourse can legitimately proceed only in one of two directions: either denying that Islamic practices are necessarily oppressive or asserting that oppressive practices are not necessarily Islamic. The first strategy usually involves counterposing the dignity of the protected Muslim women against the commodified and sexually exploited Western woman. It is thus dependent on a demonified 'other'. The second depends on a 'golden age' myth of an uncorrupted original Islam against which current discriminatory gender practices may be denounced as actually not Islamic. Although the implications of the first strategy are conservative and those of the second clearly more radical, they share the same discursive space; a space delineated by a nationalist discourse reproduced by men and women alike. Changing the terms of this discourse exacts a heavy price: alienation from the shared meanings which constitute a language of identity, affiliation and loyalty.

It may well be argued that there is no particular reason to single women out as prisoners of a discourse they share with men. However, their gender interests may, at times, dictate their own demands and produce divided loyalties with men of their class, creed or nation. Women may choose to either openly express or to suppress such divergences of interest, which they generally do at their own cost in both cases.

There is a wealth of evidence to suggest that, for women, the 'modern' is always perilously close to the 'alien', particularly when contemplated codes of behaviour can be identified as an outright betrayal of the expectations of their own communities. In this connection, Hatem relates how during Napoleon's Egyptian expedition some middle-class Egyptian women saw it as in their interests to be allied with the French.[21] Impressed by the apparent courteousness of French husbands, a group of women in Rosetta petitioned Napoleon to enforce similar relations within Egyptian families. The patriarchal backlash against Egyptian women who consorted with the colonists was apparently fierce, with alleged massacres of collaborators serving, in Hatem's view, to discipline women.

The notion that women's gender interests could be used to turn women into political 'fifth columnists' was an explicit article of official policy in at least one well documented social experiment carried out by the Bolsheviks in Soviet Central Asia between 1919 and 1929. Massell's study of the Soviet-sponsored mobilisation of Muslim women is a classic case of a modernising state 'liberating' women as a means of undermining traditional solidarities and identities based on kinship, custom and religion. [22] Molyneux also documents several instances where the emancipation of women was used as a tool for socialist transformation.[23]

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[20] I. C. Schick, 'Representing Middle Eastern women: feminism and colonial discourse', *Feminist Studies*, 16, 2, 1990, p. 369.

[21] M. Hatem, 'The politics of sexuality and gender in segregated patriarchal systems: the case of eighteenth and nineteenth-century Egypt', *Feminist Studies*, 12, 2, 1986, pp. 250-73.

[22] G. J. Massell, *The Surrogate Proletariat*, Princeton University Press: Princeton, NJ, 1974.

[23] M. Molyneux, 'Women in socialist societies: problems of theory and practice', in K. Young et al. (eds.), *Of Marriage and the Market*, CSE Books: London, 1981, pp. 167-202; and M. Molyneux, 'The law, the state and socialist policies with regard to women: the case of the People's Democratic Republic of Yemen, 1967-1990', in Kandiyoti, *op. cit.*, pp. 237-71.

Ironically, the very structures defined as backward, feudal or patriarchal by the modernising state are the ones that get redefined as ethnic markers or as symbols of 'national' identity, especially if they are forcibly obliterated by an authoritarian statist project. Indeed, the khudzhum (assault) in Central Asia had a radicalising effect that produced a rally around the symbols of Muslim identity. There was a substantial rise in attendance at prayers and meetings in mosques, widespread withdrawal of Muslim children (especially girls) from Soviet schools and, more tragically, a terrible wave of violence and killing of women who transgressed communal norms. More significantly, even those men who had exhibited pro-Soviet leanings at an earlier stage recemented their alliance with traditional elites, and women themselves retreated into traditional practices since they felt vulnerable and exposed.

Lest we imagine that these tensions are peculiar to the encounter between 'foreign' ruling elites and native populations, Vieille extends his analysis to all 'modernising' states of the periphery. The state, in his view, seeks to repudiate the separate existence of civil society. It intervenes increasingly in society and 'turns on the routine of day-to-day existence, polices it tightly and symbolically devalues it'.[24] This suppression of the private may elicit active resistance. Vieille goes as far as to interpret the Iranian revolution as 'a surging back of the "private" into the public and the colonisation by the private of the State'.[25] Men's honour is invested in the 'private', which has women at its centre, and the state's interventions in this realm only aim 'to deprive the citizen of his honour and divest him of his right to political participation'.[26] Here, the 'private', defined as backward or 'patriarchal' by modernist reformers, is redefined as a site of radical resistance against a despotic state. With typical oversight, the notion that women themselves may have an independent right to political participation is not even entertained by Vieille, nor does the fact that the symbol of resistance happens to be a veiled woman elicit any unease.

It is not my intention to vilify the 'private' as the nexus of patriarchal oppression or to glorify it as a site of cultural resistance against the coercive intrusions of the state.[27] I think, instead, that the identification of the private with the 'inner sanctum' of group identity has serious implications for how women of different class, religious or ethnic backgrounds fare through the ups and downs of secular nationalism, since it determines whether they emerge as enfranchised citizens or as wards of their immediate communities.

The very language of nationalism singles women out as the symbolic repository of group identity. As Anderson points out, nationalism describes its object using either the vocabulary of kinship (motherland, patria) or home (heimat), in order to denote something to which one is 'naturally' tied. Nationness is thus equated with gender, parentage, skin-colour - all those things that are not chosen and which, by virtue of their inevitability, elicit selfless attachment and sacrifice.[28] The association of women with the private domain reinforces the merging of the nation/community with the selfless mother/devout wife; the obvious response of coming to her defence and even dying for her is automatically triggered.

I argued earlier that the emancipation of women was equated with modernity by nationalist movements whose reforms were meant to serve as a tool for social 'progress'. Nonetheless, definitions of the 'modern' take place in a political field where certain identities are privileged and become dominant, while others are submerged or subordinated. In this process, certain ethnic, religious, linguistic or even spatial (urban versus rural or tribal) categories may be devalued or marginalised. Likewise, secular notions of modern nationhood subordinate and sometimes seek to destroy alternative bases for solidarity and identity. The fact that these submerged identities can become foci of cultural resistance and even lead to contested definitions of nationhood does not necessarily imply that they are uniformly emancipatory, nor does it guarantee that they will have a progressive gender agenda. Wherever women continue to serve as boundary markers between different national, ethnic and religious collectivities, their emergence as full-fledged citizens will be jeopardised, and whatever rights they may have achieved during one stage of nation-building may be sacrificed on the altar of identity politics during another.

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[24] Vieille, *op. cit.*, p. 66.

[25] *Ibid.*, p. 67.

[26] *Ibid.*

[27] This is the subject of an ongoing feminist debate. As key divergent texts, see J. Elshtain, *Public Man, Private Women*, Princeton University Press: Princeton, NJ, 1981; and M. Barrett and M. McIntosh, *The Anti-Social Family*, Verso: London, 1982.

[28] Anderson, *op. cit.*, p. 131

Women may be controlled in different ways in the interests of demarcating and preserving the identities of national/ethnic collectivities. As Anthias and Yuval-Davis point out, regulations concerning who a woman can marry and the legal status of her offspring aim at reproducing the boundaries of the symbolic identity of their group.[29] Until recently, white South African women were not allowed to have sex with men of other groups, nor were women of higher castes in India. Similarly, Muslim societies do not normally condone their women marrying out of the faith, although no such strictures exist for men since Islam is transmitted through the male line.

Women are also considered to be the custodians of cultural particularisms by virtue of being less assimilated, both culturally and linguistically, into the wider society. Immigrant women reproduce their culture through the continued use of their native language, the persistence of culinary and other habits and the socialisation of the young. Even in their native land, women of minority communities retain their cultural separateness to a greater extent than men. For instance, a Kurdish women in Turkey is less likely to learn Turkish than a Kurdish man who comes into more frequent contact with the dominant culture through compulsory military service, greater access to schooling, dealings with the state bureaucracy or work experiences. Finally, cultural difference is frequently signalled through the dress and deportment of women. Mandel, who analyses the 'headscarf debate' in Germany, suggests that Islamic dress has taken on an additional symbolic dimension among migrant Turks who feel threatened by the Christian, German milieu and its potentially corrupting influence: 'They see the headscarf as a symbolic border, delimiting two separate corporate groups, and affirming themselves as part of a moral community.'[30] Conversely, many Germans interpret the headscarf as a sign of the Turks' essential inability to assimilate into German society and a justification for denying them citizenship rights.

Drawing women out into variously defined 'national' mainstreams through mass education, labour force participation and formal emancipation has been a standard feature of secular projects. It should not surprise us to discover that the failure of such projects and the politicisation of religious and ethnic identities have direct consequences for women's rights.
Women, Secularism and the Politics of Personal Law

Nationalist projects often attempt to redefine, ethnically, religiously and linguistically, diverse collectivities as a single nation through several means: by virtue of citizenship in the state, formal equality before the law and resocialisation through mass education and the media into new forms of civic consciousness. In most countries of the Middle East and South Asia, this unifying secular impulse has foundered most clearly in the area of family legislation and personal law. The legal equality granted to women under the constitutions of modern states is more often than not circumscribed by family legislation privileging men in the areas of marriage, divorce, child custody, maintenance and inheritance rights.

Although the Indian constitution endorses the division between secular and personal law, it also contains the eventual commitment to creating a uniform civil code. In a climate of endemic communal strife, this goal seems further from realisation than ever. In 1985, a divorced Muslim woman, Shah Bano, pressed for her maintenance rights under the Indian Code of Criminal Procedure and won her case after many years of litigation. This judgement created a furore among Indian Muslims - a furore which threatened to have electoral consequences and resulted in the passing of a separate Muslim Women's Act in 1986. Shah Bano was finally forced to assert her Muslim loyalty by rejecting the Supreme Court judgement that was in her favour. Pathak and Rajan note that this episode was capitalised upon by Hindus, the majority community, whose concern for the welfare of Muslim women seemed merely a ploy to repress the religious freedom of the minority and so ensure its own dominance.[31]

This, not surprisingly, led some Muslim women's organisations to oppose the judgement and accept the perception that their community was being threatened. The authors also interpret this incident as a conflict between the state and the patriarchal family over the 'protection' of women. They argue that 'any rights granted to the woman as an individual citizen by the state can only be imperfectly enforced within that state-within-a-state.'[32] Note, however, that it was the Indian

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[29] F. Anthias and N. Yuval-Davis, *op. cit.*, pp. 1-15.

[30] R. Mandel, 'Turkish headscarves and the "foreigner problem": constructing difference through emblems of identity'*, New German Critique*, 46, Winter 1989, p. 42.

[31] Z. Pathak and R. S. Rajan, 'Shahbano', *Signs*, 14, 3, 1989, pp. 558-82.

[32] *Ibid.*, p. 569.

state itself which, through new legislation, ended up blocking Muslim women's recourse to secular law.

Oommen questions the claims made in the name of secularism in a comparative analysis of multi-religious nation-states in South Asia. He concludes that state policy is substantially moulded by the norms, values and lifestyles of the dominant religious collectivity, irrespective of the character of the state or the features of the religions involved.[33] Chhachhi further argues that Indian nationalism, despite its secular objectives, exploited communal consciousness and played upon an identification of nationalism with Hinduism.[34] She suggests that notions of femininity are intimately bound up in the construction of communal identities so that incidents like the Shah Bano trial or the case of sati (widow immolation) in Deorala, in 1987, signal the occasion for displays of communal militancy. The communalisation of political and civil life in India clearly encourages the growth of revivalist movements which do not further the rights of women of either majority or minority groups.

The duality between personal and secular law also persists throughout the Arab world, irrespective of the nature of the political regimes of specific countries. Family and personal laws generally derive from the Shar'iah (Muslim canonical law) even when other legal codes are fully secular. Hijab relates this to the divergent trends in Arab nationalism which have dominated the debate on women's rights since its earliest days.[35] Proponents and opponents of equality for women were divided into the liberal and conservative nationalist camps. The former, following Qasim Amin, argued that the Arab world had to emulate Europe in those respects that made it strong: democracy, freedom and equality of rights under the law. They also claimed that these goals could be achieved within an Islamic framework. The conservative nationalists, on the other hand, believed that the only way to resist foreign intrusion was to preserve traditions, and that the very concept of 'women's liberation' was a foreign implant aiming to weaken Arab society by attacking its very core, the family. Hijab argues that the more threatened the Arab world feels ,the stronger the conservative nationalist trend becomes. As a result, the association between equal rights for women and the betrayal of cultural values shaped by Islamic tradition is reinforced, thereby blocking any further changes in the position of women. Several feminist theorists of the Arab world also place cultural resistance to women's emancipation within the context of relations with an imperialistic West.[36]

The fact that Islam acts as a communal identity marker against outsiders does not, however, mean that charges of 'foreignness' and alterity are reserved for those outside national boundaries. Communalist sentiments, as Zubaida notes, can be directed against local religious minorities who may become identified, in the popular mind, with European Christian powers.[37] Likewise, Westernised local elites may be denounced not merely as corrupt, but as morally tainted as was the gharbzahdegi (Westoxified) elite in Pahlavi Iran. Philipp, in his analysis of the relationship between nationalism and women's emancipation in Egypt, comments on the clear predominance of members of minority religious communities (Copts, Syrian and Lebanese Christians, Jews) among female journalists publishing feminist women's magazines at the turn of the century.[38] This predominance confirmed the worst suspicions of conservative nationalists such as Mustafa Kamil, who concluded that the liberation of women could only represent an unpatriotic development. Thus, the question of what and who constitutes the 'West' often has less to do with the outside world than with class, religious or ethnic cleavages within the nation itself. Nader draws our attention to the fact that 'Occidentalism', and its related demonology (materialism, anomie,

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[33] . T. K. Oommen, 'State and religion in multi-religious nation states', *South Asia Journal*, 4, 1, 1990, pp. 17-33.

[34] A. Chhachhi, 'Forced identities: the state, communalism, fundamentalism and women in India' in Kandiyoti, *op. cit.*, pp. 144-75.

[35] N. Hijab, *Womanpower*, Cambridge University Press: Cambridge, 1988.

[36] L. Ahmed, 'Early feminist movements in Turkey and Egypt', in F. Hussain (ed.), *Muslim Women*, Croom Helm: London, 1984; F. Mernissi, *Beyond the Veil*, Al Saqi Books: London, 1985; N. El Saadawi, 'The political challenges facing Arab women at the end of the 20th century' in N. Toubia (ed.), *Women of the Arab World*, Zed Press: London, 1988.

[37] S. Zubaida, *Islam, the People and the State*, Routledge: London, 1988.

[38] T. Philipp, 'Feminism and nationalist politics in Egypt' in L. Beck and N. Keddie (eds.), *Women in the Muslim World*, Harvard University Press: Cambridge, MA, 1978, pp. 277-94.

immorality, etc.), is used as a mechanism of social control over Middle Eastern women. [39] Conservatives, she suggests:

> instead of blaming the West for exporting its ills, are searching for the agencies that import them. This adds up to a kind of 'siege mentality' in which stripping Arab women of their rights has become well justified and condoned as a protective act. [40]

Al-Khalil raises an even more fundamental question by taking issue with the notion that Arab nationalism, at least in its Ba'thist version, ever embodied a secular project. He argues that pan-Arabism is doctrinally linked to Islam in that the demarcation of national identity was made possible through arguments about the primacy of the Arabs within Islam. In the words of Aflaq, the father of Arab nationalism, 'it was "the force of Islam" that had the "new appearance" of pan-Arabism.' Al-Khalil also points out that the religious group is still the raw material of politics in the Middle East, and that identification with the nation-state and social class remains at a disadvantage. The communal consciousness fostered under the Ottoman millet system (a combination of national and religious communities) intensified in the nineteenth century as the European powers assumed protectorships over different communities as a means of establishing their influence in the region. Al-Khalil suggests that the dissolution of many of communalism's traditional roles through nation-building and modernisation may rather have intensified its moral hold over the lives of otherwise modern Arabs. [41]

Most modern states in the Arab world have nonetheless made attempts at legal reform in the areas of family and personal law. Although they remained within the framework of Islamic law, they sought to expand women's rights. This was also the case of the 1978 Personal Status law in Iraq. Joseph argues that the main aim of the partial emancipation of women was to tap their labour potential and to wrest their allegiance from more traditional foci of loyalty, such as the extended family, the tribe or ethnic group. [42] Al-Khalil interprets this legislation merely as an exercise in consolidating the power of the party and the Leader:

> It rankles to have fathers, brothers, uncles and cousins all lined up to exert varying degrees of real power and control over half of the Iraqi population. Thus if a new loyalty to the Leader, the party, and the state is to form, women must be 'freed' from the loyalties that traditionally bound them to their husbands and male kin. [43]

In this context, such legislation appears as part of a totalitarian project of social control over the 'private' and its subversive centrifugal potential. The same logic applies to the political organisation of children in the Pioneers, Vanguards and Youth Organisations. Their new value as social actors and the relative gain in status they may experience in their families is predicated upon their total allegiance to the party and state.

The case of Iraq, despite its specificity, does not stand alone. Reformist legislation affecting women was frequently sponsored by authoritarian and 'dirigiste' regimes whose ultimate aim was not to increase the autonomy of individual women, but to harness them more effectively to national developmental goals. Typically, women's independent attempts at political organisation were actively discouraged and considered divisive. This was the case in Turkey, where the Turkish Women's Federation was disbanded in 1935, a year after women got the vote and under Nasser in Egypt, who, in 1956, immediately after granting women suffrage, outlawed all feminist organisations. Regimes as diverse as those of Atatürk, Reza Shah and Nasser had in common their stress on national consolidation and unity and the development of a modern centralised bureaucracy. This emphasis was congruent with the mobilisation of women to aid the expansion of new cadres and the socialisation of a uniform citizenry. They were significant advances in the education of women and in their recruitment into the qualified labour force at all levels; their public visibility not only increased but was vested with a new legitimacy.

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[39] L. Nader, 'Orientalism, occidentalism and the control of women', *Cultural Dynamics*, 2, 3, 1989, pp. 324-55.

[40] *Ibid.*, p. 327

[41] S. Al-Khalil, *The Republic of Fear*, Hutchinson: London, 1989, p. 211.

[42] S. Joseph, 'Elite strategies for state-building: women, family, religion and the state in Iraq and Lebanon', in Kandiyoti, *op. cit.*, pp. 176-200.

[43] Al-Khalil, *op. cit.*, p. 92.

Most post-independence states were faced with the contradictory developments that had an important bearing on family and gender relations. Processes of capitalist penetration led to the destructuring of local communities, fuelling massive rural to urban migration, aggravating social inequalities and weakening kin solidarities. The material bases of traditional authority relations within the family between the young and the old and between genders were substantially eroded by such processes.[44] Integration into capitalist markets probably did more to undermine 'private' patriarchy than any piece of reformist legislation. For instance, the secular Turkish Civil Code, passed in 1926, was inoperative in the rural hinterland until such time that the countryside was substantially transformed by an expanding capitalist economy. Women who had been previously active in the domestic economy as unpaid family labourers now had to join the waged labour force in increasing numbers. Mernissi argues, using data from Morocco, that the growing gap between cultural ideas (male breadwinner/protected female) and actual reality created a situation of 'sexual anomie', making male-female relations an area of intense tension and conflict.[45] She suggests that the popular appeal of fundamentalist ideologies is enhanced by the profound unease of men who feel both threatened and humiliated by these contemporary developments.[46]

Indeed some successor regimes seem to have reversed what appeared as the steady expansion of women's rights in the early stages of nationalism by adopting 'Islamisation' programmes. This approach is most clear in Iran and Pakistan, where Islam is incorporated into official state policy. There are similar trends in countries ranging from Bangladesh to Algeria. The distributive and political failures of nationalist projects are often identified not as merely technical but as 'moral' failures which require a complete overhaul of the worldviews underpinning them.

There is an important literature on the problems of secular nationalism and the growing role of political Islam. Points of view vary. Badie contends that the idea of the nation is accommodated with difficulty and has limited mobilising potential in Muslim societies where the territorial state (as distinct from the umma, the religious collectivity) remains an alien concept.[47] Zubaida convincingly retorts that Islamist movements are modern developments clearly inscribed in the political field of the nation-state.[48] The failure of nation-formation resides, according to Zubaida, not on some essential property of political culture or ethnic composition, but on the lack of economic and political achievements which gives citizens a stake in the national entity and promotes national stability.[49] The failure of states to create and distribute resources adequately intensifies conflicts and cleavages expressed in religious, ethnic and regional terms.

The importance and role of sectional allegiances increase as they assume a crucial role in mediating citizens' access to scarce resources and providing a more workable focus of solidarity. Since the state itself uses local patronage networks and sectional rivalries in its distributive system, citizens also turn to their primary solidarities both to protect themselves from the potentially repressive and arbitrary agencies of the state and to compensate for or take advantage of inefficient administration. With growing popular discontent and endemic legitimacy crises, governments may make the tactical choice of relinquishing the control of women to their immediate communities and families, thereby depriving their female citizens of legal protection.[50] It is against this background that the Shah Bano incident, referred to above, must be interpreted. Furthermore, in cases where the operation of state-sponsored religious fundamentalism is witnessed, the exercise of patriarchal authority may be extended to unrelated men, like the clergy, the police or 'concerned' citizens, who are given a free hand in monitoring women's dress and conduct in public places.[51] Such developments reveal both the fragility of women's citizenship rights and the fact that women are the weakest link in national projects.

Conclusion

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[44] D. Kandiyoti, 'Bargaining with patriarchy', *Gender & Society*, 2, 3, 1988, pp. 274-90.

[45] Mernissi, *op. cit*.

[46] *Idem*, 'Muslim women and fundamentalism', *MERIP Reports*, 153, July-August 1988, pp. 8-11

[47] B. Badie, *Les Deux Etats: Pouvoir et société en occident et en terre d'Islam*, Fayard: Paris, 1986.

[48] Zubaida, *Islam, the People and the State*. Routledge: London, 1988.

[49] *Idem*, 'Nations: old and new', Ethnic and Racial Studies, 12, 3, 1989, pp. 329-39.

[50] R. Jahan, 'Hidden wounds, visible scars: violence against women in Bangladesh', in B. Agarwal (ed.), *Structures of Patriarchy*, Zed Press: London, 1988, pp. 199-227; D. Kandiyoti, 'Islam and patriarchy: a comparative perspective', in N. Keddie and B. Baron (eds.), *Shifting Boundaries: Women and gender in Middle Eastern History*, Yale University Press: New Haven, CT, forthcoming.

[51] A. Chhachhi, 'The state, religious fundamentalism and women: trends in South Asia', *Economic and Political Weekly*, 18 March 1989, pp. 567-78.

The integration of women into nationalist projects has been rich in paradoxes and ambiguities in most post-colonial societies. As Rowbotham points out, nationalist and anti-colonialist movements opened an important theoretical space for questioning women's position and the prevailing religious doctrines which legitimise their subordination.[52] The emancipation of women became a central tenet of liberal nationalist ideology. Reformers often engaged in a selective process of backward-looking nationalism in search of 'indigenous' models to legitimise women's emancipation. Although many were influenced by the ideas of the Enlightenment and were of secular persuasion, they unwittingly endorsed the notion that any changes in the position of women could only be condoned in the national interest. Moreover, the proponents of conservative, anti-modernist cultural nationalism had an even stronger hand to play by insisting on an interpretation of cultural integrity that was coterminous with the patriarchal control of women. This interpretation was facilitated by the equation between changes in gender relations and capitulation to Western cultural imperialism. Throughout these ideological battles, women were variously portrayed as the victims of their societies' backwardness, symbols of the nation's newly found vigour and modernity or the privileged repository of uncontaminated national values. Women, who were also active participants in nationalist movements, felt compelled to articulate their gender interests within the parameters of cultural nationalism, sometimes censoring or muting the radical potential of their demands.

The political and distributive failures which plagued the post-independence trajectories of many states called into question the secular pretensions of earlier nationalist projects. The increasing politicisation of ethnic and religious identities fuelled new conflicts, challenging existing definitions of national unity and promoting the rise of new cultural revivalist and religious fundamentalist movements.

I have argued throughout this paper that the regulation of gender is central to the articulation of cultural identity and difference. The identification of women as privileged bearers of corporate identities and boundary markers of their communities has had a deleterious effect on their emergence as full-fledged citizens of modern nation-states. This is nowhere more evident than in the fact that women's hard-won civil rights become the most immediate casualty of the breakdown of secularist projects. Discourses valorising the 'private' as a site of resistance against repressive states, or as the ultimate repository of cultural identity, should not let us overlook the fact that, in most instances, the integrity of the so-called 'private' is predicated upon the unfettered operations of patriarchy. We should search, instead, for a language of identity which allows for difference and diversity without making women its hostages.

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[52] S. Rowbotham, *Women in Movement: Feminism and Social Action*, Routledge: London, forthcoming.