

Women and Islam: What are the Missing Terms?

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Most commentary on the condition of women in the Middle East assigns a central place to the role of Islam. In fact, there have been important variations, as well as persistent similarities, in women's conditions in Muslim societies. To make sense of the varieties of women's real, concrete historical experience, we must avoid confusing analytic and polemical goals.

Current writing on women in the Middle East exhibits two equally vigorous, but so far divergent trends. One proliferating effort attempts to establish Islam's compatibility or otherwise with the emancipation of women, using the Quran, the hadith and the lives of prominent women in the early period of Islam as sources. (pi161) There is another expanding body of scholarship which locates women as historical and political actors firmly in the temporal processes of socioeconomic transformation that accompany the region's incorporation into the world economy. (pi162)

It would be simplistic to put these divergences down to lingering Orientalism or even to clashes of idealist versus materialist paradigms. Some feminists are strategically attempting to recuperate Islamic dogma and reclaim history for their own purposes. Their own project for liberation requires an indigenous language and role models. The fact that feminists and traditionalist alike seem obsessed with the "true" meaning of Islam with respect to women simply acknowledges that it is seen as the only available ideological terrain on which to debate the woman question. One leading feminist suggests that this state of affairs is likely to persist until Muslim countries experience the total secularization of the political sphere and an extensive democratization of society. (pi163).

Still, the political merits of engaging with conservative ideologues on their own terrain are contestable. Not surprisingly, "secular" feminists have interpreted this stance as a loss of nerve, a capitulation to the notion that feminist demands are contaminated by Western cultural imperialism. (pi164). For their part, scholars working on the contemporary and more material aspects of women's lives in the Middle East dismiss the preoccupation with Islam as purely polemical, or as a hangover from the heavily idealist literature of the past.

This conjuncture has left us without sufficiently sophisticated and historically grounded treatments of Islam's place in determining women's subordination in existing Muslim societies. Kinship systems, class structures and state apparatuses mediate the dictates of Islam and their effects on women, in both law and practice, but thus far there have been few systematic treatments of these social structures and their evolving roles. These have become the missing terms of a potentially fruitful but currently impoverished debate. (pi165).

State-Building and Nationalism: Contemporary Parameters of the Woman Question

So-called Islamic societies embody widely differing histories of state and class formation. The relationships between state and religion have correspondingly varied as they have evolved. Some emerged from peripheralized, decaying empires (the Ottoman in Turkey, The Qajar in Iran), others from direct colonial domination (Egypt, Algeria). All have had to grapple with the problems of establishing "modern" nation-states. This meant forging notions of citizenship, and finding new legitimizing ideologies and power bases.

These assorted modern political projects had evolving consequences for both women and Islam, and transformed the relationship of each to the other. The nature of legal systems, women's degree of access, (at least in formal terms), to education, paid employment and social benefits, the extent of their political participation - all these flow directly from identifiable state-building projects. (pi166) Each instance reveals the politically strategic nature of the 'woman question'. The place accorded to the formal emancipation of women, far from being a peripheral attribute in defining the nature of the state, is on the contrary quite central to it.

Although most Muslim countries have experienced a gradual process of secularization, starting from the mid-19th century, there are critical differences in the scope and outcomes of their secular reforms. It is in Turkey that we find the earliest and most uncompromising measures for the formal emancipation of women. The Turkish Civil code, outlawing polygamy and granting equal rights to women in matters of divorce and child custody, dates from 1926. Women's enfranchisement came in 1934. In this case, the shift from a multi-ethnic empire to an Anatolian-based Turkish nation, involved a progressive distancing of Kemalist republican ideology from Islam, and a search for alternative legitimizing ideologies. This search crystallized around Turkish cultural identity coupled with a western orientation as major ingredients in the definition of the new Turkish nationalism. This process invested the woman question with great symbolic and strategic importance, making it one of the pawns in the Kemalist struggle to dismantle the theocratic remnants of the Ottoman state, particularly the abrogation of the *Hari'a* in favor of secular legal codes. (pi167)

The nationalist-statist stance of Reza Shah in Iran, despite its avowed similarity to the Kemalist project, fell short of radically transforming the organisation and structure of the *Shi'a* clergy (with profound implications for the shape of things to come). Neither did it produce a powerful state ideology. Despite superficially drastic measures, such as the 1936 ban on veiling, the Iranian reforms remained limited in content. Najmabadi argues that Reza Shah's break with Islam was partial and tenuous. He put the army, rather than the creation of a politically structured state, at the centre of his political project, and fell back on Islam as an anchor of legitimacy. (pi168) His modernizing strategy nevertheless required the transformation of his subjects, both men and women, into diligent soldier-citizens fully equipped to serve the state, thus inscribing changes in women's status on Iran's modernization agenda.

For Pakistan, the category of 'Muslim' itself came to serve as a national identity marker. In pre-partition India, Islam was constitutive of nationhood itself. It subsequently became instrumental as a legitimizing, if tenuous, ideology for Pakistani unity in the face of ethnic diversity and factional interest. Most recently, Zia ul-Haq has crudely used Islam to rally support for his corrupt regime. His favoured means of signalling his "Islamicness" has been to introduce retrogressive legislation on women's rights issues. (pi169)

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Thus, the position of Islam in the diverse nationalist histories of modern states has an important bearing on the woman question.

Expanding State Control

The ways in which the new states incorporated and tried to establish control over kin-based primordial communities, tribes, extended families and different ethnic collectivities, have an important bearing on state policies relating to women and the family. In both the capitalist West and in socialist states, the state has intervened in family legislation as part of the process of subordinating the family to the state, expanding the control of the state over the socialization of its citizens and, especially in revolutionary situations, freeing citizens from the shackles of "backward" social customs and practices.(p161)(p160).

Suad Joseph's excellent comparative study of Iraq and Lebanon clearly illustrates the intimate interconnections between family, religion and the state. In Iraq, women have had a two-fold importance for the Ba'ath agenda for state construction: first as the state-party strives to wrest away the allegiance of the population from the large family/tribe/ethnic groups; and second as it confronts the need to mobilize labour for economic development in the face of continuing labour shortages. State and party recruited women into state-controlled agencies and resocialized them through general, vocational and political education for participation in the formal economy and polity.(p161)(p161)

An important aspect of this resocialization involved the rapid expansion of public schooling. Even in Iraq, though, the legislative reforms of 1978 remained modest, since the secularization of personal status laws would present too severe a challenge to religious conservatives and clerics.(p161)(p162) In addition, the party's attempts to undermine the allegiance of the population to traditional kin-based groups came up against widespread mistrust of the state instilled by the pervasive climate of political repression. Another complicating element has been the regime's own pro-natalist policies, stressing the value of marriage and large numbers of children.

In Lebanon, by contrast, where the state incorporated the religious/ethnic heterogeneity of society into its formal structure, the government relinquished matters of family and personal status to the religious authorities of the various communities. The socialization of individuals was placed in the hands of the private sector, through subsidizing private education rather than by attempting to build a cohesive system of national education. The appropriation of control over issues related to women and the family by the "communities" was part of a strategy by the ruling elite to maintain the balance of sectarian power in the state, and was consistent with the reproduction of a minimalist state.(p161)(p163)

The People's Democratic Republic of Yemen stands apart in the Arab world with its experience of socialist rule which, unlike "Arab socialism" made reference in its official doctrine to Marxism-Leninism rather than Islam. It used legal reforms as a vehicle of change, aiming to extend central legal authority into rural areas where religious, customary and tribal law prevailed. With respect to women, this meant a challenge to traditional kin control and the creation of new possibilities for their emergence as economic and political actors in the service of the nation's economic development.

The 1974 Family Law incorporates important steps to loosen traditional controls over marriage (such as encouragement of free-choice marriage, restrictions on brideprice) and to restore greater equality between wife and husband (with respect to divorce, monogamy and child custody). Even this

legislation, though, made concessions to Islamic codes and local customs, both in the formulation and in the application of the law.(p161)(p164) However radical the intent of the central authorities might have been, they had to accommodate the relative strength of traditional communities and the disparities between regions and between urban and rural locations.

A comparative study of family legislation in Tunisia, Morocco and Algeria finds significant variations in the balance of power between the national state and the locally-based communities at the point when the three countries achieved independence. Tunisia is where primordial communities appear to have had the least degree of political autonomy and leverage. The tendency towards centralization, incipient in the pre-colonial period, was reinforced through the colonial era and culminated in a nationalist movement led by a powerful party that did not have to rely on kin-based communities. Algeria, the most segmented of the three societies prior to colonization, experienced a severe dislocation of its local communities under French rule but witnessed a revival of local particularism. During the war of national liberation and after independence, segments of the leadership could mobilize their ties with kin-based communities in the struggle for power at the centre. In Morocco, where the French adopted a strategy of indirect rule, primordial communities were least affected and the nationalist party least able to penetrate rural areas. At the time of independence, the monarchy emerged both as a symbol of national unity and as the arbiter among competing local groups.

It is in Tunisia that we find the most progressive family legislation - indeed the first attempt at extensive reform among Arab-Muslim countries - with the 1957 Personal Status Law. In Algeria, family legislation remained a hotly contested area and produced a perplexing mixture of Islamic law and secular codes, leaving many aspects of women's rights unresolved. The Moroccan code essentially reiterates the Maleki Islamic code, with very minor attempts at systematization. (p161)(p165)

We should thus not assume that the action of modern states necessarily results in greater secularization of the personal status sphere or undercuts the power of religious authorities. This clearly depends on the nature of the state and the representation of clerical and other sectoral interests within it. The case of Iran amply illustrates this point. Nonetheless, to the extent that any central state mobilizes its subjects to further its own strategic objectives rather than tolerate alternative foci of loyalty, it will introduce important novelties in its discourse and practice to control its citizens. The khaki-clad, gun-toting women of Qaddafi's Libya and the veiled, militant women of the Iranian Republic attest to this fact.

Maintaining a judicious balance between the exigencies of economic life (the need for female labour in a war situation, financial pressures in low-income families, etc.) on the one hand, and the sensibilities of ideological purists and traditionalists on the other, often represents a difficult political tightrope act. In Iran this produced an oppressive ideology of domesticity, backed up by extensive legislation, which negates the everyday needs of working women. Women are not free from the burden of making a living while caring for children; they simply must carry on without any form of state assistance.(p161)(p166)

These general features of state building are by no means specific to modern states in the Middle East and North Africa. Yet it is very hard to escape the notion that the control of women and the representation of this control at the level of state ideology is a more pressing and enduring concern in Muslim societies than elsewhere. What accords this sphere such prominence? Is this how the specificity of Islam manifests itself across a multiplicity of settings and situations? Part of the answer, I think,

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resides not in Islam per se but in the relationship in which Islamic societies have found themselves vis-a-vis the West.

The Hidden Injuries of Foreign Domination

Most Muslim states have failed to generate ideologies capable of coping realistically with social change. This, and their histories of dependence vis-a-vis the West, let them to rely on Islam not only as the sole coherent ideology at their disposal but also as a symbol of their cultural identity and integrity.

This reliance has had serious repercussions for women, who became the ultimate repositories of this identity. For instance, many administrative and legal codes (such as taxation and business law) had to be reformed either under direct colonial pressure or in order to adapt to the exigencies of the world economy. Laws pertaining to the family and personal status, by contrast, were last to change, if they changed at all. "Islamic" modesty markers such as the veil became symbols of anti-imperialist resistance in the Algerian war and, more recently, in the Islamic Republic of Iran.

The halting and piecemeal nature of Ottoman legal reforms, starting with the Tanzimat period in 1839, indicate something of the cultural crisis triggered by mounting Western encroachment. The Ottoman Civic Code (Mecelle) represented a compromise between a European code and the *Hari'a*. A religious opposition, headed by the Seyh-ul-Islam, persuaded Sultan Abdulhamit II to disband the commission which had completed only the legislation concerning commercial transactions, thereby blocking any further changes in the fields of personal status, family and inheritance laws. This led to a dual juridical system: secular courts functioned under the aegis of the Ministry of Justice, while religious courts remained under the jurisdiction of the Seyh-ul-Islam. Only after the promulgation of the Turkish republic in 1923 was the legal system fully secularized.

It is not surprising that the ulema, whose powers in Ottoman society were severely restricted by the Tanzimat reforms, claimed the sphere of personal status and family legislation as their own. The more significant point is that this was the area where conservatism could create the broadest possible consensus. The technical and military superiority of the West had forced Ottoman recognition that in these areas emulation was not only desirable but inevitable if the empire were to survive at all. The division among the ideologues of the time was rather on whether the material culture of the West could be made compatible with Ottoman mores and values. It is against this background that the Ottoman family was deemed to be in "crisis" and that the woman question became extensively politicized. The Westernist progressives denounced Islamic practices (polygamy, unilateral divorce and segregation of the sexes) as a blot on the face of civilization, whereas Islamists decried imported Western mores as the total corruption and subversion of the Islamic moral order. The cold facts of Ottoman economic and political dependence decisively restricted the arena in which the traditionalists could raise the banners of cultural integrity and relative autonomy.

Most interpretations of Egypt during the first half of the 19th century attribute the prevailing conservative social climate to a backlash of the colonial encounter with the French.^{(p161)(p167)} Boudhiba eloquently expressed the reactive nature of such conservatism: "The response to colonization was to be significantly double: sexual and religious; indeed with each supporting the other. Outside, men could compromise themselves with the new order of things as much as they wished. But, once he was at home, the Arab man rediscovered an atmosphere steeped in the past, one in which yesterday was an eternal beginning."^{(p161)(p168)} Mincec also comments on the recurring contradictions in the Algerian regime between modernism and tradition; the regime offered women's modesty to the

masses as a restoration of their "Algeriennes" and their Muslim way of life.^{(p161)(p169)}

Imperialist meddling frequently generates a deep xenophobia. This finds expression in a radical populism which turns its hostile attentions to the various internal collaborators with Western infiltration. Islam has been a consistent vehicle for popular classes to express their alienation from "Westernized" elites. It marks the big cultural divide between the beneficiaries and losers of changing socioeconomic orders, of the traditional middle-classes vis-a-vis comprador or bureaucratic interests. In the populist discourse of the Khomeini regime, Islam represents the ideology of the "people" confronting the corrupt, "Western-struck" (*gharbzadegi*) elite of the Shah era. The deportment and dress of women became laden with great symbolic significance. The new regime explicitly singled out women as the most dangerous bearers of moral decay ("the painted dolls of the Shah"). This opened up, among other things, the possibility of expressing class antagonisms in moral and cultural terms while diverting attention from inequalities and cleavages in a society deeply riven along regional, ethnic and class lines.

Parallels and precedents to this discourse abound, from depictions of the Western-aping elite in the post-Tanzimat novel in Turkey to the manifestos of the Muslim Brotherhood in Egypt. Suffice it here to point out that the flexible language and symbolism of Islam serves in each instance to articulate worldly disaffections and spell out alternative political projects.

The International Nexus

If the colonial or post-imperial histories of modern nation-states are crucial to an understanding of their present situation, the contemporary international and regional context creates additional novel complications. Cleavages between oil-rich and resource-poor states have had an important effect on migration, aid and political influence in the region, prompting diverse accommodations with Islam in countries as varied as NATO-member Turkey, the (Marxist-Leninist) People's Democratic Republic of Yemen and impoverished Bangladesh. This has served to strengthen the cultural and political prominence of local forces and parties representing an Islamist platform.

At the same time, the deepening of capitalism in the region has resulted in more intensive international monitoring than ever before, from the structural adjustment packages of the World Bank to stabilization measures by the IMF and development projects sponsored by a wide variety of donor agencies. Ever since International Women's Year in 1975 and the following UN Decade for Women, the "women and development" lobby has put pressure on national governments to recognize the role of women in combating poverty, illiteracy and high birth rates. In 1973, the Percy Amendment to the US Foreign Assistance Act required that US bilateral aid "be administered so as to give particular attention to those programs, projects and activities which tend to integrate women into the national economy of foreign countries, thus improving the total development effort." Modest monitoring bureaucracies were set up within the US Agency for International Development and in the foreign aid departments of all the main European and Scandinavian donor nations. The implications of these cross-currents for state policies relating to women have been bewildering and often totally contradictory.

The case of impoverished Bangladesh is instructive. The coup that brought Zia ur-Rahman to power coincided with the 1975 declaration of the United Nations Decade for Women. Zia built up considerable political capital by championing the causes of the women-and -development lobby. But Zia also needed the support of local right wing elements, including in the army, in order to counter the opposition of the Awami League. Besides, oil

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states like Saudi Arabia had joined the ranks of major aid donors. Zia embarked on a progressive dismantling of state secularism and his successor Ershad finally declared Bangladesh an Islamic state in 1988. The full implications of this move are as yet unclear.

Both Zia's and later Ershad's strategies constituted an overt balancing act between the conflicting gender ideologies implicit in different aid packages. Thus the development projects encouraged women's participation in the labour force and the public sphere while aid from richer Muslim countries strengthened the madrassas (religious schools) and those religious parties advocating stricter controls on women. The government finances the Islamic Foundation -which publicised tracts condemning family planning- while supporting UN-funded attempts at population control. (pi162)(pi160) Parallels to this case undoubtedly exist in other countries where economic development policies intersect with Islamist currents and gender ideologies. (pi162)(pi161)

Which Islam ?

Women's subordination in Muslim societies occurs in a multiplicity of locations: in kinship structures; in policies that harness women to state-building projects; in anti-imperialist and populist ideologies which fetishize women; in national and international development policies that instrumentalize them. Although some may argue that these ultimately represent different facets of patriarchal domination, it is quite clear that their operations may be antagonistic as well as collaborative. Thus, the central state may loosen the patriarchal control of kin-groups, and international development agencies may wish to bypass "local" controllers and harness women directly to their vision of a more efficient international economic order.

Women themselves are not merely passive victims. They are fully-fledged social actors, bearing the full set of contradictions implied by their class, racial and ethnic locations as well as their gender. Women's movements, to the extent that they exist and exercise autonomy, may favour strategic alliances with different factions in these structures of national and international domination. They may attempt to further gender interests by playing them off one another, or they may subordinate gender interests to attain certain political objectives or accommodations.

In this fluid and complex landscape, Islam may be involved and evoked at all sorts of levels - in the cultural practices of kin-based communities, in state ideologies incorporating coherent legislative practices, in a more privatized religious conviction, in organized and militant social movements, as a nod in the direction of Muslim aid donors or internal political allies, or as a more diffuse discourse on national and cultural authenticity. The meaning and daily reality of Islam can be so diverse as to justify the question, which Islam ? Simply positing or refuting the inherently patriarchal nature of Islam can no longer serve any useful analytical or political goal.

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Move towards state sponsored Islamisation in Bangladesh

Sultana Kamal

On 7th June 1988, the members of the controversially elected parliament of Bangladesh passed the Constitution (8th Amendment) Bill imposing Islam as the state religion of the country which broke away from another religious-based country - Pakistan - only 17 years ago. The four pillars of the Constitution of Bangladesh originally were nationalism, democracy, secularism and socialism. Secularism and socialism were dropped from the Constitution in 1977 to be replaced by 'total faith in Allah' and 'social justice'. By having Islam as the state religion, the nation-state which was created through a war of independence fought by Hindus, Muslims, Buddhists and Christians against communalism and religious fanaticism thus lost its original identity.

The main reason for declaring Islam the state religion has been said to be because of the statistical fact that there is an overwhelming majority of Muslims, and without Islam as the state religion the majority of the population was not able to establish its identity of nationhood, independence and sovereignty. It has also been said by government leaders that the move has been initiated with a view to curbing the alarming growth of fundamentalism, with particular reference to the politics of Jamat-e-Islami which is a strong opposition party notable for its religious fanaticism. But, encouraged by the passing of the Bill, the anti-Bangladesh Islam-loving fundamentalist groups have quickly come out of their shells and have called for the declaration of Bangladesh as an Islamic Republic to complete their rehabilitation. In one of his public speeches right after passing the Bill, the President has very clearly declared that no law that is repugnant to the principles of the Quran and Hadis shall be effective any further in Bangladesh.

The government leaders insist that Islam is in danger in the hands of both the fundamentalists and the socialists, and hence it has to be saved. But in fact, Islam as the religion and creed of the majority has always been in a place of natural prominence and dominance in Bangladesh. Even in its secular days, Islam has been the dominant religion in state functions. Today every state function is preceded by recitations from the Quran. Bangladesh television broadcasts Azan regularly and other Islamic rituals are also performed by government ministers and functionaries as public duties. Women announcers and news readers are made to cover their heads during the month of Ramazan while performing. The President himself performs Hujj every year using public funds as part of his state duties.

Even the first elected President of secular Bangladesh had on several occasions to insist that Bangladesh's secularism was not Godless atheism. It was he who had entered Bangladesh in the Organisation of Islamic Countries at its summit in 1973. His going to Rabat shows the strength of Islamic sentiment prevailing in newborn Bangladesh. The rajakars and al-

badars, the religious fanatic groups and killers of the Bengali intellectuals, students and freedom fighters were set free without trial by him. These facts establish the fact that Islam was never in danger in Bangladesh, and that pro-Islamic sentiment never disappeared from the country to give way to secularism. The capitalist-imperialist forces which were defeated in the liberation war did not lose any time in reaping material benefits from the situation. By eliminating the pro-socialist and secular faction of the then ruling party - Awami League - they began the process of recapturing Bangladesh.

Bangladesh was liberated from Pakistan after 24 years of colonial relationship at a point of extreme violence on the part of the Pakistani military rulers and the religion traders. But even after liberation, secularism was not allowed to grow and take root in this country. The Islamisation process that had begun immediately after liberation was first given credibility by the post-1975 rulers as steps to regain national identity which they alleged was lost in secularism and socialism. They did not even anticipate any protest from the people of Bangladesh when dropping these two pillars from the Constitution in 1977. It is interesting to note that in Bangladesh the pro-socialist government had to fall within four years to moderate-right military forces which lasted for about seven years, only to fall to extreme-right military rulers who have managed to stay in power for seven years with very faint indications of leaving soon. But this government had to face the severest opposition from the people of the country. Apparently this has been the most unpopular government, which has plunged Bangladesh into a chronic condition of total political instability, economic crisis, unprecedented lawlessness, corruption, violence, frustration, hopelessness and drug addiction in the youth and no sense of direction for the future. In Bangladesh, the present government is faced with a situation which it is not able to control. The opposition parties which are essentially bourgeois in character have also failed so far in making any move that is even to their advantage. Very clearly, people have shown no confidence both in the ruling government and also in the system of bourgeois politics.

From the above it may be said that the main reasons for the continued crisis in Bangladesh are a) inability on the part of the government to solve the problems of the people and b) the absence of a political force able to replace or topple the present regime in a fruitful way.

In the rural areas the process of pauperisation is pushing more and more people below the poverty line. With practically no education, medical care, security and above all food, their situation is going out of control of the government. The concessional treatment of World Bank prescribed land reforms and rural credit programmes is not able to help much. Due to its capitalist-patriarchal nature, women in all sectors are being pushed back despite the rhetoric of women's development being supported and sponsored by the government. But many of the women who had to come out to work after 1972 as the male earners in their families were killed during the war feel quite strongly about their rights in society. There are other women's groups working for women's liberation and for obvious reasons would not like to give in to this pressure. The international women's movement and the United Nations' support for women's demands have widened the scope for educated women to increase their organisational and bargaining power. The present capitalist-military-patriarchal government apprehends serious opposition from the women's groups and definitely senses a 'silent anger' in the masses. Therefore religion has to be invoked in the interest of their own survival and preservation of dominance. The following summary of the nature of capitalist development in Bangladesh will make the picture clearer.

When Pakistan was created in 1947 there was no organised Bengali

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Muslim bourgeoisie in the country. The then Pakistani government encouraged the development of a free capitalist economy and the economy of the then East Pakistan was brought under the total control of the West wing. In the sixties, mainly for political reasons, they took the initiative to create a Bengali bourgeoisie in East Pakistan. As a result a number of rich families were born. Their role in the nationalist movements was always oscillating. During the liberation war in 1971, most of them naturally took the role of silent spectators, many even co-operated with the Pakistani military junta.

Right after liberation, the development of this Bengali rich class was thwarted, mainly due to nationalism in the field of trade and industry. Some of the influential members of the then ruling party - the Awami League - never approved of secularism or socialism and, in collaboration with national and international capitalist forces, succeeded in weakening the pro-socialist elements in the party and set the Bangladesh economy to develop along capitalist lines. A group of people inside and outside the party was allowed to thrive through plunder and exploitation. Gradually this particular group took control of the country's economy as well as politics. Upstarts and plunderers may be anything but patriots. And that is why it became so much easier for the capitalist-imperialist forces and their local agents to control and direct the situation to their advantage.

After the change over in 1975 these were the people who came into power. They were open supporters of a free economy and immediately after coming to power they started to denationalise all the nationalised industries. Later on, along with changes in politics from time to time, this process has only been intensified and expedited. The public sector was curtailed in order to foster the private sector. The effort to establish a free economy in the country still continues.

Because of the distinctive historical background of capitalist development in the country and also due to a very weak position in the world capitalist system, the development of capitalism in Bangladesh possesses a very special character. The features of its character may be described as follows:

- a) The state performs a direct and principle role in fostering the development of a group of specially favoured capitalists.
- b) Imperialism plays a very significant role in this process through the state and through other agents such as multinationals, NGOs etc.
- c) The process of capitalist development in this country is not similar to that of the classical Western development of capital.

By its very nature of being dependent on imperialism and the state, this type of capitalism does not bring any effective change in the existing system. Therefore, Bangladesh is only creating a handful of new rich. On the other hand, because of continued despotic rule in Bangladesh, we experience formation of a military-civil-bureaucratic capital. The imperialist forces, the new big rich class and the military-civil-bureaucratic capital form a close relationship with each other and act as complementary forces for their own development. (M.M Akash 44)

In fact, this is a unified process. The profit that is extorted by this exploiting class by direct or indirect imperialist assistance, state co-operation, exploitation of the people, hoarding, black marketeering, speculation, indenting and other business and trades, is not being invested in any productive sector. Some of it is being reinvested, mainly in unproductive sectors, and some in welfare activities. Most of the profit is smuggled out of

the country and spent in luxurious consumption. In fact, parasitism is an essential characteristic of bureaucratic state capitalism. And the state here gradually comes under the direct control of those new monied classes who are by nature agents of imperialist interests. As a result, Bangladesh has become totally bankrupt and 90% of its budget must come from foreign aid.

This special trend of capitalist development in Bangladesh has intensified the crisis of the people. It has also strengthened neo-colonial exploitation and has contained the pre-capitalist production relation from passing on to another stage. This in effect has created dissatisfaction in the minds of that faction of the bourgeoisie who are interested in productive investment.

The patriarchal-capitalist nature of the state continually pushes women of all classes to stand back and protest. Women are continually being pushed out of work and employment in the rural sector. In the urban areas in the name of culture and tradition, women are being discouraged from taking up jobs that are supposed to be meant for males. The state is not taking any responsibility for looking after children's development in any field. Rather, mothers are vigorously urged to give society worthy citizens and the technique suggested for that is strict birth control practices. More and more women are expressing their resentment at the existing system and women's movement workers are very clearly demanding a more egalitarian social structure. All these dynamics working together are pushing Bangladesh towards even greater disaster or social revolution.

Now this intensification of social conflict within the country has to be diverted as far as possible into a channel which is innocuous from the point of view of the vested interest groups. The stirring up of antagonism along communal, chauvanistic (favouring one religion over another and doing it through the state) lines is a convenient method of directing attention away from the genuine problems, from class struggle and women's struggle for an egalitarian social structure. The present government of Bangladesh has very cleverly held the line of Islamisation for its own survival. Introduction and implementation of Islamic laws will extend the power of the state to interfere with people's personal life and hence exercise more control over them. The family laws of Bangladesh will have sacrificed the 1961 Ordinance which brought at least some equality to women in marriage, divorce and in restricting polygamy. The facilities provided to women through the family courts will be taken away.

This perfectly suits the imperialistic and neo-colonial designs of the capitalist system. After the liberation of Bangladesh along secular and socialist lines and due to the Russian presence in Afghanistan, the American imperialist bloc maintained their links with this continent mainly through Pakistan via Saudi Arabia. After the changeover in 1975, they started channelling their aid and assistance of Bangladesh through Saudi Arabia and encouraged growth and strengthening of pro-Islamic feeling in order to regain and renew their influence in this territory. Fundamentalism seems on the surface a national phenomenon, but in fact it is very much related to imperialism and neo-colonialism. Most of the people of Bangladesh feel that this country has a long cultural tradition of peaceful living together of people of different religions and that glorification of one's own religion against the others' only upsets the harmony. Islamisation of Bangladesh has been criticised as the governments way of using fundamentalism to suppress all progressive political movements. Fundamentalism has the power to glorify the past, to mystify the present, so that people forget to look for a future.

However, it appears that the government has received more wrath than praise from the people by declaring Islam as the state religion. Had it been

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the long cherished hope of the majority they would have expressed it by welcoming the step. On the contrary: the leading students groups, progressive intellectuals, teachers, painters, doctors, lawyers, theatre artists and many other groups registered their protest immediately after the passing of the Bill. Women's groups have very strongly expressed their feelings against the Bill by organising processions, meetings and rallies and also by regular protests in newspapers and journals. United Women's Forum and Naripokkho organised protest rallies on the day the Bill was proposed. Naripokkho has also brought a writ petition challenging the Bill, but for obvious reasons the hearing is being delayed.

The most important thing is that people have expressed their dissatisfaction with the Bill and have repeatedly pledged to resist it.

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Woman's demonstration against the governments move on Islamisation
From Eastern Economic Review - 23 June 89 - Photo: L. Rahman

Islam, the Secular State and Muslim women in Malaysia

Maznah Mohamad

Due to the multi-ethnic and multi-religious population of Malaysia, a dichotomy exists between Muslims who are predominantly Malays and the non-Muslims. Article 3 of the Malaysian Constitution enacts that Islam is the religion of the nation. However as a provision in Clause (1) of Article 3, it is guaranteed by the Constitution that non-Muslim nationals would be free to profess and practise their own religions. There is an unstated law that Malays only practise and profess the Islamic religion.

Malaysia was formed to become a secular state when it achieved its independence from colonial rule in 1957. Although Islam is the official religion of the state there is no condition whereby any law enacted in Parliament which is not consistent with Muslim law becomes void. In fact, the administration of Islamic matters does not rest with the Federal government but is a concern of the various state governments. In Malaysia, Muslim religious affairs are administered separately in each of the thirteen Malay states by a Council of Religion and Malay Custom, whose principal function is to aid and advise the Ruler on all matters relating to the religion of the state and Malay custom.

The origin of this peculiar situation lies in colonial rule. When the British colonised the country, they gave the local monarchs and sultans of each of the independent Malay states the power of control over Islam and Malay customs, while they themselves administered the country following the Western model. Besides this history of colonial rule, the multi-ethnic population of the country which led to the development of ethnic politics played a very important role in ensuring the dominance of secularism in all branches of public life.

As was speculated when the Malayan nation was in its infancy, the politics of balancing the various demands of a multi-ethnic community, especially mitigating the demand for an Islamic state, was not going to be an easy mission. Back in the late 1950's a former Lord President conveyed this impression:

The maintenance of Malaya as a tolerant secular state with religious freedom for all will require the utmost wisdom and statesmanship from the Government and the Opposition, for it must be very tempting sometimes to woo the important Muslim electorate by pandering to those who desire to set up an Islamic State in Malaya.' (Suffian, 1959,18).

Given the prominence of Islam in Malaysian history and contemporary politics, especially its overarching presence in a secular state, what has been its impact on women? In order to give a concise though far from comprehensive answer to that question, this paper will discuss several

issues. The first part of the paper will review the role that Islam played in the emancipation of women during the anti-colonial struggles and later under the new independent government. The second part will move back into the present, where the issue of Islamic revivalism and its ramifications in Malaysian society will be discussed. Finally, to bring the paper back to a more specific focus, the last part will attempt to evaluate some of the provisions of the Islamic family laws as they are enacted in Malaysia, and their implications for the rights of women in the country.

I. The role of Islam in Malay Women's Emancipation

Historically, Islam did play a progressive role in planting the seeds of some of the earliest modernist movements in Malaya. Islamic reformers were in the forefront of the struggle for expanding access to education for Malay women.

The most important reform sought by the people was the expansion of formal schooling during the pre-war colonial years. This demand was conceded by the British, but only as it suited their purpose. The colonial administration not only needed to socialise the local ruling elites into the ways and orientations of the West, but also to train a native labour pool that could be employed to fill up some of the lower level administrative positions. Different types of schooling were thus provided for different classes of natives; English education for the elites and vernacular schooling for the lower classes (Loh, 1976). Schools, especially English schools set up for women, were few and were intended to serve one primary purpose: to train girls to become suitable wives of their future husbands, the emerging new local elites, who would become part of the colonial machinery (Windstedt,n.d, 29). (1)

As very explicitly stated by a British Adviser in his Annual Report:

It is not the intention of Kelatan government to aim at any very considerable extension of English education for Malay girls. This school is intended mainly for daughters of the ruling House and Malay officers. Special attention is paid to domestic science, handicraft and art. The general intention is to train girls to be alert and quick-minded and suitable wives for Malay officers who have received higher education, rather than to seek any high standard of technical education. (A.C. Baker,1930. 45)

(1). Windstedt however sounded almost enlightened when he implied that girls were to be educated, "...to be the intellectual peers of their future husbands." (underline, our own).

At another level of the social strata, there also existed the local intelligentsia whose education was from the Middle East, and therefore greatly influenced by reform movements emanating from the Arab world during the early twentieth century. Their ideas about "progress", stemming from the then liberal interpretation of the Coran, also extended to the question of women's emancipation. The famous piece by Kassim Amin Bey, the Egyptian reformer, entitled *Tahir ul Mara'ah* (The Emancipation of Women) appeared in a local journal in 1930. (Roff,1974,79). This article was first published in 1899 in Egypt. Using religious texts in the arguments, Kassim Bey challenged the interpretation of women's position in Islam and advocated education, legal reforms and women's right to work as well as attacking the practice of veiling. (2)

During these years, both the colonialist and nationalist forces advocated education for women. While the former's vision of female education was to further enhance the status of the local bourgeoisie and their women, the nationalist reformists were interested in education for women because it

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reflected progress and modernisation and a challenge against outmoded traditional values, especially the Islamic seclusion of women. Nevertheless, neither the Western-oriented bourgeoisie nor the reformists were prepared to see women give up their traditional domestic and feminine roles. For them, education for women was to enable them to become better wives and mothers who could socialise the future generation with progressive values, not to grant them the freedom to participate equally in public life (Mandersom, L., 1980, 21).

(2) When it first appeared in Egypt, the article provoked a lot of reactions and criticisms, especially from the orthodox religious authorities. Debates on the women's issue ensued in Egypt throughout this period, resulting in the publication of Kassim Bey's second article, entitled, 'Al-Mara Al Jadida' (The New Woman). It is interesting that in this piece, he chose instead to base his arguments on the doctrine of natural rights and concepts of progress, rather than to argue within the Islamic precepts. (See Kumari Jayawardena (1984, 22-23)).

Despite the narrow vision of these early reformers, the pre-war involvement of Malay women in some social organisations served, nevertheless, to extol the virtues of formal education for women. Though limited and specific in objectives, the expansion of schooling in colonial Malaya also resulted in the entry of women into the teaching profession. Among Malay women, almost all of the early initiators of women's organisations were teachers. By then education had also become a most pressing issue for the Malay community which was feeling left out of the rapidly expanding urban economy. The Malay Women Teachers' Union, founded in 1929, was one of the earliest women's movements devoted to encouraging the entry of Malay women into formal schooling. Not surprisingly, this union was organised by Malay teachers from the Malay vernacular and religious schools, instead of those from the English schools. Given their distant association with the British, they were more likely to be stirred into action than the English educated women. Women in this early movement voiced their advocacy for female education in their own journals, particularly the *Bulan Melayu*, and *Kancana*, both under the editorships of women.

While for the most part women's organisations in Malaysia did not play effective roles in upsetting the scales of gender relations, there were instances in history which pointed out that when they did do so, they were met with strong resistance.

One of the earliest challenges was waged around the issue of the internal structure of the party. Khadijah Sidek, who was elected the leader of the Kaum Ibu in 1954, was expelled from the party in 1956 for several reasons, officially justified on the grounds that she had breached party discipline and rules. She in fact agitated for more female representation in the decision-making bodies of the party, for independent status of the women's section, a separate women's youth section and the increased nomination of women to contest the national elections. Although the pretext for her expulsion was centred around the question of party discipline, it is clear that her indiscipline involved challenging tradition. Khatijah Sidek in fact provided the first challenge against male dominance in the party (Mandersom, 1980, 112/113).

Later on, when the Wanita UMNO, (3) was playing a more vocal pressure group role in society, the issue of Muslim marriage and divorce laws was brought to light. In 1973, the leader of the then Wanita UMNO, Aishah Ghani, called for some regulation of the laws so as to not bring about "...a raw deal for women" (Dancz, 1981, 389). Later on she referred to the issue as a "thorn in the flesh" for Muslim women (Danz, 1981, 389). Her

remark provoked public outcry, and she was forced to disclaim her statements by admitting it was not Islamic laws that were at fault but only the unjust interpretation of them that needed to be rectified (Dancz, 1981, 395). In addition, the reforms put forward by the women's wing were not only strongly opposed by the conservative Religious Council but also by the Youth wing (*Pemuda UMNO*) of the party. Thus, the situation over the laws has only achieved minimal reforms until today.

(3) Women's wing of the dominant Malay party UMNO, (United Malays National Organisation).

In 1976, Wanita UMNO's call for the appointment of leaders as village heads was ruled by the Religious Councils of two states as contrary to Islamic law. Before this, two women were appointed *ketua kampung* or village heads, by the Negri Sembilan government. However, the state government later gave in to the religious opposition, and their appointments were withdrawn (Dancz, 1981, 389-9).

II. Post-Independence Developments and Islamic Revivalism

Malaysia's plural population, consisting of three predominant ethnic groups, Malays, Chinese and Indians, has always provided the stage for the political balancing acts both of governments and non-governmental groups. The state, while maintaining the political dominance of the Malays, also attempts to accommodate the demands of each ethnic group. Nevertheless, despite the Malays' dominance in politics, they have yet to achieve economic status on a par with the other ethnic groups. In 1970, the New Economic Policy (NEP) was promulgated and implemented to redress the so-called backwardness of the Malays. The policy instituted affirmative action in the areas of education, employment and equity ownership.

The NEP was meant to bring about drastic changes in the economic status of the Malays. To be able to do so it had to upset all 'natural' phases of development. For example, the migration of Malays into towns was speeded up by policies such as awarding scholarships and aid to students to study in institutions of higher education at home and abroad. Employment which enables the intake of a large proportion of Malay labour was also created in towns, to ensure that the Malay urban population equalled that of the non-Malays. The sudden impact of being thrown into the 'modern', urban but alienating environment created an ideological and social vacuum for a lot of Malays students and youths who came from a traditional, rural and non-competitive social background. Since Islam was already rooted in the culture of the Malays, at least at the level of social and cultural rites, it became a source of moral and spiritual guidance for a lot of students and youths (Zainah Anwar, 1987).

Together with this sense of individual inadequacy, students became disillusioned with capitalist development as a whole, which they identified as the excessive accumulation of material wealth and obsession with materialism. Corruption at government levels, the inability of the state to deliver goods and the perpetuation of social ills such as poverty and backwardness, have contributed towards the politicization of Malay students. There was no better rallying point than Islam, which by itself contained adequate philosophies, principles and teachings with which to address the above problems. Although socialism was also a popular ideology among students during the sixties, it has got severe disadvantages. Firstly, it is identified as having its roots in Western traditions and philosophies. As modernisation-cum-Westernisation was considered to be one of the roots of the social problems at hand, it was not an easily acceptable ideology to a majority of the Malay students. Secondly, the strong and uncompromising anti-communist policies of the government resulted in people becoming wary of

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the ideology, as direct state repression in the form of legislation can always be used to clamp down the movement. Thus in the earlier stages, Islam was a much safer alternative, whether as a social pillar for individual moral guidance, or as a political movement to question, challenge and eventually overthrow the establishment.

The impetus for the Islamic revivalist movement in Malaysia was also being provided by the global trend of Islamization. The burgeoning movements in places such as Iran, Pakistan, India and the Arab countries lent strength and credibility to similar movements in the country. When the Iranian revolution successfully established an Islamic state in Iran it legitimized even further the necessity for capturing state power through militancy and more aggressive strategies. The concept of Islamization as being the ultimate goal of capturing state power and the realization of Islam as a viable alternative to both the capitalist and socialist systems became actively promoted. The dominant political party in the country, the Parti Islam se Malaysia or PAS, although in existence for a long time and almost defunct at one point, reassessed its political platform and rebuilt the party on this new fundamentalist-revivalist base. It continued to challenge the existing government, not merely by playing its role as parliamentary opposition, but also by presenting itself to society as able to provide an alternative system which is not merely a changed government, but a changed state, one that would incorporate the Islamic way of life - from jurisprudence to the economic system.

The existing government consisting of an alliance of several ethnic-based parties, though never identified with the Islamic cause as the rallying point for election victories, nevertheless had to pander to these new developments. Nonetheless, this Islamization process was spread much less speedily than it otherwise could have been. For one thing, Malaysia was still a secular state with Islam only declared as an official religion in the Constitution. Furthermore, the often conflicting interests of the multi-ethnic population had the effect of levelling the demands of one group.

Despite the checks provided, society as a whole was deluged by the implications of this 'new' Islamic revivalism and made conscious of the presence of Islam in their lives. There is a sense that Islamization is more overt today than a few years back.

At the most conspicuous level is the change in the form of Muslim women's dress. More women are donning the veil or *tundung*. It used to be only young women who would be seen in their *tundung*, who would cover their hair and whose veils extended all the way over the chest, leaving only the face visible. Nowadays it is common to see elder women and even children in them. Although there have been no official directives and policies to enforce veiling upon Muslim women, there exists strong social pressure, especially among women in a collective situation such as students and office and industrial workers, to don the veil.

The government has also stepped up its efforts to demonstrate to its Islamic constituents that it is in fact infusing Islam in its administration. The government has certainly been very active in enhancing the symbols of Islam. For instance, the use of government controlled media to project the image of Islamization has been quite effective. Government television and radio are broadcasting more religious programmes today than before. Islamic standards of morality are also adhered to by the zealous censoring out of suggestive scenes in films. Television programmes are also interrupted to remind viewers of the commencement of the five prayer times.

Other symbols of these state sponsored Islamisation drives are such things as the introduction of Islamic lessons and courses in the curricular of

schools and universities. In local universities today, it is compulsory for all students to take a specially drawn up course on Islamic civilisation.

Other examples of Islamization can be seen in the appointment in the early 1980's of a Deputy Minister within the Prime Minister's Department to be in charge of Islamic affairs. There never used to be such position as this, as religion is a state concern. The appointment of this Federal position seems to imply that Islamic matters are increasingly becoming the concern of the Federal government, moving towards centralisation and therefore an intensification of its influence.

In the 1980's too, the International Islamic University was set up, together with construction of an expensive and prominent Islamic centre in the capital city. All these are examples of developments carried out by the government to justify its Islamic stance.

The above moves of the government have undoubtedly been very well received by the Malay community, however, whether the public is ready to accept an Islamic government remains to be seen. Going by electoral popularity, the Islamic party ranks miserably low. PAS, the sole Islamic party in the country, although seemingly able to garner large gatherings at their public forums and religious sermons, suffered a dismal loss in the last election in 1985. The party only managed to win one parliamentary seat.

Nonetheless, this might not say anything about the degree of Islamisation that has permeated Malay society. It has to be remembered that the largest constituencies are still rural based, whereas it has been asserted that the Islamic movement is urban based. Many of their followers are students and young professionals. They were either not of a voting age or were indifferent towards electoral politics in 1985. The other reason is that those who are in the *dakwah* (4) movement might not even want to partake in electoral politics, as it is a Western and non-Islamic system of legitimizing governments.

(4)*Dakwah* is a term commonly used in the country to generically refer to the Islamic revivalist movement.

However, if in fact the Malays showed their reluctance in accepting an Islamic government, then it could be because they are not ready to profess and practise Islam in its true but extreme form. The Malays will cling to Islam though perhaps only to its nominal version.

One trend in the Islamisation process which has received mixed reactions from Muslims and which has caused many to feel slightly wary of Islam is in the area of legislation. Islamic groups have strongly advocated the penetration of Islamic laws into the legal system, for example, the adoption of the Islamic penal code, which includes the imposition of capital punishment such as chopping off the hands for stealing and flogging in public for adultery. So far this has not materialised, as there strong opposition has been voiced by non-Muslims, with the support of many Muslims.

Although there has been little success in trying to introduce new Islamic legislation, there has been an intensified move to implement many Islamic provisions that have previously been either ignored or loosely implemented. For example it has been enacted that the following, if committed by Muslims, are criminal offences punishable with a fine or imprisonment or both: (5)

- a) not attending Friday prayers at the Mosque;
- b) consuming intoxicating liquor in public;
- c) eating during the hours of daylight in the month of

- Ramadan;
- d) wilful disobedience by a woman of any order lawfully given by her husband;
 - e) a male being found in retirement alone with and in suspicious proximity to any woman other than a woman whom he is forbidden by Islam to marry, or any female Muslim who abets such as offence;
 - f) any female Muslim found in retirement alone with and in suspicious proximity to any man who does not profess the religion of Islam;
 - g) teaching save in his own residence and in the presence only of members of his own household, any doctrine of the religion of Islam without authority;
 - h) teaching or publicly expounding any doctrine or performing any ceremony or act relating to the religion of Islam in a manner contrary to Muslim law;
 - i) printing or publishing any book or document giving or purporting to give instruction on rulings on any matter of Muslim law or doctrine or Malay customary law; if such book or document contains any matter contrary to Muslim law or doctrine or to any lawfully issued *fatwa* ;

(5) Cited from Suffian, 1959, 16-17. The examples are taken from Selangor Enactment n^o. 3 of 1952.

The above provisions have existed for a long time, although it is only recently that they have become controversial. Prohibitions against drinking in public, against close proximity to the opposite sex or *khalwat*, and eating in public places during Ramadan have all been zealously imposed. Almost daily it is reported in Malaysian newspapers that couples are caught in the act of *khalwat*. A man was also flogged in the state of Kelantan for being caught drinking in public. There have also been plans to impose the fines on Muslims not attending Friday prayers in mosques. All these have created furors and worries among Muslims, while non-Muslims fear that someday even they might have to abide by these Islamic dictates.

III. Islamic Family Law and Women

It is very significant that the *Dakwah* movement in the country has made many women's groups conscious of the implications of Islamisation upon the status of women. Women who belong to the *Dakwah* movement perceive their involvement as being based on a conscious and informed decision to partake of all of the provisions contained in Islam. To them there is no question or issue in the precept that the position of women in Islam is secondary to that of men. The Vice-President of the Islamic party PAS pronounced the position of women in Islam to be thus:

In Islam the position and role of women is rather comprehensive because they are the ones who nurture and mould the future generations with patience - which is enough for them not to be further burdened with workloads not compatible with their physiological and psychological make-up. (Haji Nakhaie Haji Ahmad, 1986)

Undoubtedly Islamic adherents feel that this relegation of woman to the domestic role is not demeaning for her. They are quick to point out that it is in fact an honoured role. A model of an Islamic constitution drawn up by the Islamic Council of Pakistan is one which Muslim groups in the country have turned to. In the model constitution, article 13 (c) stipulates that, "Motherhood is entitled to special respect, care and assistance on the part of the family and the organs of the State and society." There is no provision for equality on the basis of gender. It has been said that all the

concern over gender equality and women's status, and the attack on Islam's position on this, are merely the sentiments expressed by Western-influenced women;

"Only those who have been influenced by the so-called 'women's liberation movements' cultivated by the West may not agree with our stand. Those who hold on fast to the traditions of the East - be they Chinese or Indian - and those who are committed to Islam are not the least bothered about these 'women libbers', whose antics are propagated by a small section of women intellectuals in Malaysia." (Haji Nakhaie Haji Ahmad, 1986).

The sum effect of all this is that women, whether they adhere to the Islamic viewpoint or not, are forced to look deeper into the ramifications of Islam. One area in which much material action can be undertaken is in the area of legalities. Since the administration of Muslim law in the country deals almost wholly with Islamic family laws, and Islamic family laws significantly affect women, it has been in this area that the tension between Islam and the rights of women has become so prominently projected.

The Islamic laws in Malaysia, the most comprehensive of which lie in the area of the family laws, are based on the *Shafii* school of law. In the fields of criminal law, the law of contract and tort and commercial law, English law is followed. Only Muslims have to abide by the Muslim family laws, while non-Muslims are governed by the country's civil laws on the family.

(6) Muslim family laws are administered separately by each Malay state under their various state enactments. With the exception of the Islamic Family Law (Federal Territory) Act, 1984, which was passed by Parliament, all other enactments were not legislated by Parliament but by the various state legislative bodies.

(6) Law Reform (Marriage and Divorce) Act 11976.

A salient question to be asked is whether the Islamic family laws as they exist, and as they are interpreted and administered in this country, have the overall effect of protecting women, especially in the espousal of their role as mothers and nurturers of the future *ummah*.

We can look at four areas dealt with in the Islamic family laws in order to answer the question above. These are the areas of marriage, divorce, custody and inheritance. In Malaysia, Malays also observe the *Adat* or customary laws. At times these customary laws, especially on inheritance are in complete opposition to the Islamic laws. It is thus useful to compare the different provisions laid down by these two sets of laws in order to draw out their implications for the rights and position of women in society. Some comparisons will also be made between the provisions contained in the civil law on the family, called the Marriage and Divorce (Reform) Act 197, and the Islamic Family law. Patriarchal notions might not just exist in Islam but may very well be prevalent in the civil legislation. The discussion below will be based on the provisions contained in the various versions of the family laws enacted in Malaysia.

Marriage

Under the *Shafii* school of law, the consent of the virgin girl is not required for her to be given in marriage by her father or paternal grandfather. It is expected that the father will naturally consult her, although no assurance is required that the consent has been genuinely obtained. The only check that consent is eventually obtained is when the marriage is to be registered. Couples have to sign the marriage register in order to legalise the marriage; even so some states in the country do not require the signature of the bride, as the *wali* or representative can act on behalf of the girl.

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The dissolution of marriages

Divorce is, by and large, the unilateral decision of the man. The pronouncement of the *talak* need not be communicated to the wife, nor are witnesses required under the Hanafi school of law. Under the Islamic law enacted in the country, all divorces have to be registered in order for it to be valid. However a *talak* will only be registered after the wife agrees to it and it is approved by the *kathi*. Reforms in the administration of Muslim laws have thus provided the women with some protection, that is protection against the uncertainty of the status of her marriage.

A man is given the right to pronounce the number of *talaks* he wishes as this gives him a chance to revoke the divorce if he wants to. In cases where women can seek a divorce, for example under *kholo'*, (in which the marriage is repudiated by redemption), the divorce when granted is irrevocable. This is likened to punishment for the woman, especially because she dares to initiate the divorce process.

Under Muslim laws women may apply to a *kathi* or a court for divorce. There are three kinds of divorce that can be initiated by the woman. The first is by *fasakh*, that is to declare the marriage null on the basis of certain grounds. The woman can also apply for divorce called the *cerai taklik*, or divorce by stipulation, that is based on conditions for divorce agreed to by both parties. This is perhaps the closest to a mutual agreement for divorce. In this case the Registrar of Marriages is required, in registering a marriage, to prepare a *surat taklik* or letter of *taklik*, in a prescribed form and to obtain the signatures of the parties entering into the marriage contract. Some examples from various states of what is stipulated in the form are as follows:

On every occasion that I am estranged from my wife for a continuous period of four months, whether I leave her or she leaves me by her free-will or by force, and upon application by her to the *kathi* or *naib kathi* and upon his being satisfied of such estrangement, my marriage shall be dissolved by one *talak*. (quoted from Ahmad Ibrahim, 1965, 35) (7)

Another example of the conditions under which a woman can be granted a divorce is as follows:

If I fail to maintain my wife for more than three months or if I assault her, and she complains to the Shariah Court and the Court is satisfied of the truth of the complaint, my marriage shall be dissolved by one *talak*. (Ahmad Ibrahim, 1965, 35).

A woman may also obtain a divorce by means of the *kholo*. In this case, the wife agrees to pay compensation to the husband in order to release his material rights. However, the husband still has to pronounce the *talak* and when he does the divorce is irrevocable.

Finally, a woman governed by the Islamic law can apply for a divorce on her own by judicial decree. The grounds on which such a decree can be granted are similar to those laid out in the Law Reform (Marriage & Divorce) Act 1976, which is the legislation applicable to non-Muslims. One important difference is that in the Islamic case only the woman can apply for the dissolution of marriage under *fasakh*, while in the civil law, both parties are entitled to the decree.

Some conditions specified by the Islamic law seem to be more inclined towards the protection of the woman than the conditions laid down under the civil act. Under the Muslim law a woman can repudiate her marriage by reason of her husband neglecting her or failing to provide maintenance for three months, and of treating her with cruelty and assault. These conditions are not included under the grounds for the nullifying of marriage

under the Civil law.

However, neither the Islamic nor the Civil Acts afford as much leeway to the woman in the question of divorce as customary procedure and laws do, especially among the Negri Sembilan Malays. In the Malay state of Negri Sembilan the rules of inheritance are based on a matrilineal principle. Women act as trustees of all property of the tribe which is considered communal property. Although patriarchy is not absent, especially insofar as leaders must be male, there are many provisions in the customary laws which exist in the woman's interests.

(7). Trengganu Enactment.

In Negri Sembilan a husband who wishes to divorce his wife will first have to go through an arbitration ceremony called *bersuarang* or settlement. A feast has to be held for his wife's and his own relatives, in which the husband will state the reasons for his intended divorce. Part of the purpose of the gathering is to provide the opportunity for relatives to act as arbitrators or to try to patch up the marriage. However, if no hope of a patch-up occurs, then the divorce will go through, but only after the settlement of the conjugal property.

Dissolution of marriages under the *kholo orcerai taklik* provision but practiced under customary laws are more accommodating towards women. A woman can redeem the man in several ways if she wishes to repudiate the marriage. According to the Ninety Nine Laws of Perak, there are several ways in which a woman can obtain a divorce. First, by establishing a complaint at the court on three occasions. She will then be granted the divorce if the husband is found to be guilty of her complaints. However if divorce is granted, she must redeem herself by returning an amount equivalent to her dowry. The second instance is when she does not wish to consummate the marriage, in which case she has to forfeit her dowry plus a fine (in those days a specified amount of gold). (Rigby, 1908, 22-34). Malay custom allows for the woman to leave her husband even if he is not guilty of any offence towards the wife according to religious or customary laws. She will have to leave him in the clothes she wears, return the dowry and pay for the divorce. A woman can also divorce the husband if she cannot tolerate his behaviour. She will have to return half her dowry including all joint property or property acquired during marriage. However, she does not lose her own personal property. (Kempe & Winstedt, 1952,6). The amount of redemption under *cerai taklik* that a woman has to pay to the man, as specified under the newly legislated Islamic act on the family, is subjected to the agreement reached together by both parties and in consultation with the *kathi*. This actually has the effect of stalling the process of dissolution.

Under civil law a woman cannot force a man to repudiate his marital rights by redemption. Instead, a divorce petition has to be filed by either party first. This too would involve a long drawn out process.

On the question of compensation, a man is at most encouraged to pay the *mutaah* or consolatory gift to the woman if she is wrongly divorced. However, the onus is upon the woman to apply to the court for the *mutaah*. On the other hand a woman has to pay much more in order to secure a divorce. In the case of the *kholo*, the woman would first have to apply to the court to carry out the action. The amount of compensation to be paid to the husband has to be agreed to by him first before the *talak* is pronounced. Thus the man is able to hold the *talak* against the woman for his compensation while a woman can only apply to get her consolatory payment after the divorce has come through.

Custody of Children

The custody of children normally rests with the mother below a certain

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age, although it is the father that is the guardian of the children and they are his property. In Singapore the Guardianship of Infants Ordinance 1952 provides that it is the father of the infant who will ordinarily be the guardian of his person and his property. Under the Guardianship of Infants Ordinance of Sarawak, the father and mother have equal rights to the custody and upbringing of the child. The right of *hadanah* or custody remains that of the mother. However, the right of the *hadanah* terminates upon the child attaining the age of seven years in the case of a male, and the age of nine years in the case of a female. After this termination, the custody is transferred to the father. (8). The right of *hadanah* of a woman is also lost once she remarries.

On this issue too customary laws seem to give more credence than Islamic laws to the recognition of the woman as custodian of the child. In Perak during the eighteenth century, if a child was under nine he could decide with which parent he wished to live. However, a girl had to live with her mother. In Negri Sembilan, where the tradition is matrilineal, all children belong to the mother's tribe, thus on divorce the mother has custody of all the children. (Ahmad Ibrahim, 1965, 74).

Property and inheritance rights

The distribution of property among Malays is still largely based on customary laws, although Malay society is becoming more inclined towards the Islamic system at the present time. Under customary law, a wife can claim a substantial share of land acquired during the marriage. For example, if a woman has helped to cultivate the land, she is entitled to one-half of the property. If she is not involved in the cultivation she is entitled to one third of the jointly acquired property. Under customary law if the husband wants a divorce without any fault accrued to the wife, then the joint property is divided into three; two parts to the woman and one part to the man. (Kempe & Winstedt, 1952, 6). In certain cases, the wife is still entitled to one third of the value of lands acquired during marriage even if it is proved that she was divorced for adultery. (Hooker, 1976, 240, Ahmad Ibrahim, 1956, 56). In the case of the *cerait aklik*, or divorce by stipulation, the wife retains the whole of the property, whether the husband's own property or joint property. (Ahmad Ibrahim, 1965, 59).

As can be seen, customary laws on inheritance are in direct opposition to Islamic laws. However legislation in the country has provided for the continuance of the *Adat* or customary rules because to not do so would be

(8) Islamic Family Law (Federal Territory) Act, 1984, (Act 303). Section 84.

To dismiss a matter of great concern to the peasantry, which is land ownership and inheritance. Nonetheless, no clear rules have been written as to how the two axioms, Islam and customs, are being compromised or dealt with. The negation of the *Adat* rules as being opposed to Islam has been promoted by one side while the assertion of the *Adat* laws has been done only by females (Hooker, 1976, 211). There have been many instances in which Islamic laws have been used to overturn the decisions made on the basis of *Adat* Laws. (9) In the case of *Bongah vat in*, the court overturned the decision of the *kathi* to award a half share of the joint earnings acquired during marriage. The civil court ruled that joint earnings were the property of the husband (Hooker, 1976, 229).

In relation to inheritance rights under Muslim law, especially when they relate to a Muslim dying intestate, the widow who is left with no child is entitled to one-quarter share of the deceased husband's estate. If the man dies leaving a widow with children, the wife will only get one eighth share, while the rest is divided among the children; two parts going to the

sons and one part going to the daughters.

In the civil law, if a man dies intestate leaving his wife but no children, then she is entitled to half of his estate. This appears to be a better deal than the one-quarter share that a Muslim widow is entitled to. However, under civil law, if a woman dies leaving the man with no children then he is entitled to all of her estate.

In customary law, the widow is entitled to a special share in the *harta sepencarian*; or joint property acquired during marriage. In smaller estates she may even be entitled to the whole estate (Ahmad Ibrahim, 1965, 83). Under customary laws, only property obtained before marriage goes back to either parties' relatives. In the matrilineal society, all property acquired during marriage goes back to the woman's family after the man has died.

In Malaysia's history, Islamic laws of inheritance are sometimes ironically used to justify economic progress. In 1968 there was a proposal from the Chief Minister of Negri Sembilan to terminate the continuance of the customary laws of inheritance. The reason given was that as a result property was resting in the hands of females. 80% of farm occupiers are women which "therefore" makes the farms unproductive. Secondly, he argued that customary inheritance results in excessive fragmentation so that farm sizes are uneconomical. As land was being acquired for cash crop farming they did not come under ancestral property. It was freehold land and thus not conducive for *Adat* law. In this instance, Islamic law is considered progressive and customary law anti-progress, as it merely encourages peasant subsistence farming which could lead to stagnation. (Hooker, 1972, 216).

(9) In the case of *Bongah v. Mat Din*, quoted in Hooker, 1976, 229.

While Islam exalts the role of women, even as mothers, it does not go as far in placing the importance of women as the bridging line of communities and generations. Customary laws on the other hand, place an emphasis on the female line, even if patriarchal system of leadership prevails.

Conclusion

In the past and in traditional societies it cannot be said that women's freedom and rights were excessively curtailed. This is because certain rights of women, particularly property and inheritance rights, are recognised under customary Malay laws, which existed in the Malay culture independent of the spread of Islam and survived despite it. Secondly, women have enjoyed some degree of freedom in work, resulting from secular schooling.

The forces that have kept the participation of women low in the public sphere were factors such as lack of access to formal schooling. More women were confined to statistically invisible jobs such as in the fields of agriculture, cottage industries, informal sectors and domestic work. Today, more women are receiving higher education than before. More women have entered into the urban work force and many more are also entering the professional fields.

More than it challenges capitalism, this surge of women into the public domain since the country's independence is challenging the institution of patriarchy. Islam does play its part in curbing the entry of women into the public sphere, through several means. Muslims are conscientized as to the proper role of women in Islam. The Islamic doctrines are used to justify why women should not be allowed to take up high level jobs. The lowering in the rate of fertility of women has also caused alarm and has been perceived as a threat to the survival of the family and eventually the Islamic ummah. Here Islam has played its part in opposing family planning policies. Finally, Islam has the means to forbid totally the conferment

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of leadership positions on women. It is at the leadership level that the perpetuation of male dominance is assured. Right now Muslim adherents seem to perceive that it is only through maintaining patriarchy that the other goals of Islam can be properly achieved, i.e. goals such as social justice, equality and peace. Is Patriarchy then the ultimate end of Islam?

The revival of Islam in the country is perhaps a manifestation of a need to reassert patriarchy in society. It has brought to the fore even more starkly than other movements, the issues of women and their rights. Islam is far from silent on this, and in fact the role of women is very much highlighted in Islamic law governing the institution of the family. While Islam professes to revere motherhood and the role of women in bringing up the family, this is barely evident in the provisions of the Islamic family laws as enacted in the country. In comparison with customary laws and the civil laws on the family applicable to non-Muslims in the country, Islamic family laws as enacted here have still a long way to go before they can ensure women that they are actually being protected. It would appear that limitations of the Islamic family laws would have to be mitigated by other reforms, perhaps of a secular nature, to ensure that the end goal of Islam is not merely patriarchy but the greater goal of bringing good to all human beings.

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Turkish Feminism: A Short History

Nüket Sirman

Introduction:

In many ways, it is possible to say that feminism has erupted onto the Turkish political scene in the latter half of the 1980's. Since 1983, a number of publications and public meetings organised by feminists have already made an impact on political and intellectual circles in Istanbul and Ankara (cf. Tekeli 1986 and forthcoming). The general public heard of these women on two separate occasions. In March 1986, a group of women delivered a petition signed by 7000 women demanding the implementation of the United Nations Declaration of Women's Rights which Turkey has officially signed and which legally binds its signatories to accord citizens equal rights regardless of sex. This petition had been organised by a group of women who called themselves feminists and who belonged to a service and consultancy company, The Women's Circle, whose brief was to "evaluate the work of women, paid or unpaid, outside or within the home." It was really in 1987 that feminists literally took to the streets. In May of that year 3000 women marched in Istanbul to protest against the physical abuse of women and in particular the battering of women. In June, a group of feminists in Ankara joined forces with environmentalist groups to campaign against the Ankara municipality's plans to convert a park in the centre of town into a multi-story car-park. In October of the same year, a one day festival in Istanbul was organised to rally support and raise funds towards setting up refuges for battered women. The following month, feminists set up their own stand (which they called the Temporary Modern Women's Museum) in an Istanbul book fair, during which they displayed artefacts ranging from kitchen utensils to IUD's that women are confronted with in their daily lives.

These activities were accompanied by other forms of public action that by their very nature had less impact compared to those described above. Various publications including magazines, literary novels, and pamphlets became available in bookshops. One such novel which was later made into a film sold more than 60,000 copies before the official censors, the State Committee for the Protection of Juveniles from Amoral Publications, banned its distribution. Writings by European feminists such as J. Mitchell, A. Michel, L. Segal and A. Oakley, as well as Egyptian writer Saadawi were translated into Turkish. Public conferences and discussion panels denouncing the abuse of women in the home, in media images, and in legal stature were held, and women's associations such as Istanbul-based Association for Women's Solidarity were set up. These activities took place in the intellectual circles of Istanbul and Ankara and drew the attention of people who were already involved in politics. In a country where the vast majority of the population does not have the habit of reading as a leisure activity, feminist publications had a limited impact even in the big cities.

The aim of this paper is to try to identify if possible something called 'Turkish feminism'. I say "if possible" because at present it still is very

difficult to talk about a specifically Turkish feminism. The very nature of feminism itself poses an important problem for women who attempt to question their conditions of existence when the latter are shaped by cultural and social forces that are not explicitly Western. Black women in Britain as well as the United States have already voiced their dissatisfaction with what Amos and Parmar (1984) have called 'imperial feminism'. These women have challenged the ethnocentric conceptions of the family and sexuality with which white women have worked to create a universalistic feminism. The shortcomings of Western feminism with regard to women in the Middle East have also been voiced by Kandiyoti (1987) and Lazreg (1988). The difficulty of delimiting a specifically Turkish feminism is compounded by the fact that Turkish feminists themselves at the moment seem to take over concepts from Western feminism without subjecting them to serious questioning. Finally, if it is possible to argue that Turkish feminism was born in 1982, then obviously, this is too short a period of time for the movement to have attained a coherent stand or stands. Optimists have argued that feminism is still in its infancy in Turkey (Tekeli op. cit.); more pessimistic observers might say that the movement was still-born. The latter view point seems to inform Kandiyoti's conclusion in her recent (1988) paper analysing what she calls the 'woman question' in Turkey.

In this paper I shall try to investigate the political space within which these activities are inscribed and to explore the extent to which this space shapes the nature of these women's demands. In the modern Turkish context, feminism appears firstly as an ideology that attempts to articulate the position of women in society as a central political issue. In this respect, it has had to carve a space for itself by engaging in debates with two other ideologies that attempt to capture the same political space: left-wing ideologies propounding a class-based political struggle and Islamic discourses. Both Islam and the left in Turkey today have their own recipes for the 'liberation of women from capitalist oppression'. The various political forces that are informed by these ideologies make up the non-parliamentary opposition. It is through an examination of the different considerations, social, political, as well as cultural, that led to the formulation of these demands, that the conditions of existence of Turkish feminism can be delimited.

One of the means through which I shall attempt to understand the nature of the feminist movement in Turkey then, is by trying to explain the implications of the positioning of the women's movement in the ranks of the non-parliamentary opposition. What are the reasons that account for this positioning and how do Islamic and leftist discourses which share the same political space shape the content and demands of the Turkish feminists? Rather than rely on some universalistic attribute of feminism, (for example attributes that it might have as a new social movement), I will try to answer the question in a more historical manner; that is I will try to look for these answers in the political role that women have played in Turkey.

Debates regarding the position of women in Turkish society have occupied a central place in the political and ideological agendas of the Ottoman and Turkish states at three crucial moments. The first was during the period of Ottoman reforms instituted through the activities of the young Turks in the middle of the nineteenth century. At this juncture it was reformist men, whose main concern was to find ways of reviving a floundering empire, who voiced concern about the position of women in society. A second wave of debates defining the role of women and, by extension the meaning of womanhood, took place in the early years of the establishment of the Turkish Republic and culminated in the enfranchisement of Turkish women in 1934. Although elite women were more vociferous in stating their own positions during this second phase, the first and the second wave

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of debates on the 'woman question' culminated in what various observers have called 'state feminism' (Tekeli 1986 : 185 ; Kandioty, personal communication). The third time that feminism and women have occupied an important space in the public gaze in Turkey was after the military coup of 1980. As summarized in the introductory comments of this paper, this movement differs considerably from the other two in that the main actors seem to be women. The fact that this movement has largely developed in opposition to 'state feminism' explains to a certain extent its place among the forces of the non-formal opposition. The last part of this paper will try to elucidate the political demands articulated by these women and define those parameters that may constitute Turkish feminism.

1. The Ottoman Period.

At the turn of the nineteenth century, concern regarding the disintegration of the Ottoman Empire led to the formulation of various projects that hoped to reverse what seemed to be an inevitable process. One of these projects, that of 'modernisation', became the dominant discourse to which other sections of the population, especially the Islamic intelligentsia, felt they had to respond.

From 1839 to 1876, far reaching reforms were undertaken by the Ottoman bureaucrats in the fields of administration, legislation and education. These reforms were implemented in an atmosphere where the reasons for the decline of the Ottoman Empire were intensely debated. Bureaucrats as well as young thinkers educated in Europe had begun debating the meaning of the French revolution and the new ideas emanating from it. Freedom, equality and the notion of citizenship were among these ideas. As shown by various historians dealing with this period, these debates created a cleavage between the Western-looking bureaucratic elite and the relatively illiterate popular classes, whose way of life was becoming increasingly threatened by the new mode of social regulation imposed upon them. Thus, while the former stressed that progress was not simply a matter of technology but also of a rationalistic, positivistic world-view such as existed in the West, the latter increasingly took refuge in Islamic precepts, arguing that the decline experienced by the Ottoman Empire was caused by the materialistic values of the West and the abandonment of the Islamic way of life. These debates crystallised in two opposing ideologies, one stressing Westernisation, progress and enlightenment, the other emphasising Islam and tradition.

As Kandiyoti's (forthcoming) insightful analysis of this period shows, the position of women in the Ottoman polity was constituted as an ideological terrain upon which these two opposing viewpoints fought out their conflicts. The progressivists argued that the emancipation of women was a prerequisite of civilisation. Women as mothers and wives were responsible for the well-being of the Ottoman man and for the creation of future enlightened generations. To create responsible citizens, it was necessary first to educate and enlighten the women who were the mothers of the modern citizens of the Ottoman Empire. Women imprisoned in the shackles of tradition and superstition could not fulfill this role. Traditional arranged marriages, divorce laws leading to the easy repudiation of wives, polygamy and the segregation of the sexes were seen as constituting the major obstacles preventing the education and liberation of women (Tekeli 1982 : 196-199). By contrast Islamists argued that the Koran provided a readily available blue-print according to which social life was to be organised, and that any deviation from these regulations would lead to corruption and moral depravation.

It was in this climate of opinion that the scattered voices of women themselves began to be heard in newspapers and journals of the period. One woman writing in *Yerakki*, (*Progress*, a political journal devoting a special page to women), in 1868 deplores the idleness of relatively wealthy urban ladies and suggests that the education of women would help transform

them into useful human beings. It is easy to recognize here traces of arguments put forward by Wollstonecraft in Britain in the previous century. But other more specifically Ottoman arguments were also advanced. In view of the dominant position of an Islamic discourse whereby any attempt to criticize veiling, segregation or polygamy was immediately branded as a sacrilege, and in conjunction with the various attacks suffered by women who appeared in public (albeit in a covered buggy) in the company of their husbands, a moderate Islamic approach to the position of women gained prominence. The main proponent of this moderate view was Fatma Aliye Hanım, who even wrote a polemical essay against the view put forward by a young *ulema* that polygamy was sanctioned by Koranic law. By contrast, Fatma Aliye argued that polygamy was an Arab custom that had been adopted in the course of the centuries.

To prove her point, she gave extensive references to the life of the prophet and to the exalted position of the women of his time. It is interesting that these same arguments are now being put forward by contemporary Islamist young women as I shall show below.

Other, more insistent voices began to be heard after the institution of the Second Constitutional period (1908-1919) ushered in by the Young Turk Revolution. This revolution put the Committee for Union and Progress into power after the overthrow of the Abdülhamit and his absolutist rule. In the new atmosphere of freedom, a number of exclusively women's organisations were formed and new women's journals began to appear. Although many of these associations were charity organisations and although the journals carried articles mainly on homemaking, fashions and health, there were a few among them that were more overtly political. The women who were writing in these journals were organising around a number of issues. A prominent theme in their articles was their disappointment with the new era of 'freedom'. Freedom, they argued, turned out to be only freedom for men; the reformists forgot about the emancipation of women once they obtained state power. This assessment led some of these articulate women to argue that it would only be women who could liberate the women of the Ottoman Empire.

Again, however, the liberation of women is used synonymously with progress and is linked closely to education. Emine Sniye, Fatma Aliye's sister argues in 1910 that progress can only be obtained through the education of women and that it is up to women to undertake women's education (*Terakkiyat-i nisvaniyye'yi kimoen bekleyelim?*). A woman (İsmet Hakkı) writing in *Mehasin* (Things Beautiful) in 1909 takes the argument even further by stating that rights can only be obtained by fighting (*Carpismak İntiyari*), and that it would be easier to safeguard rights for which a struggle had been waged.

Kandiyoti argues that it is best to characterize the second decade of the twentieth century as a period when the search for a national bourgeoisie intensified and when women were being incorporated into public life according to their social class. Thus, various vocational schools, secondary schools, as well as a Women's University were established to train well-to-do urban women as school-teachers and nurses. In a few years' time when the Balkan war and the First World war broke out, these women actively participated in the war effort by raising funds, organising supplies, tending the wounded and so on. The educational reforms of the Tanzimat did not only create the educated bourgeois woman. Elementary education in the Islamic schools and the widespread apprenticeship system that taught these women basic household skills laid the basis for the creation of a female proletariat (İsin 1988). These women were recruited as workers in textile as well as ammunition factories (Guzel 1985 : 869-872).

In Istanbul at least, the increased participation of women in work outside

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the home created problems for Islamic ideals of segregation. In 1916, the Islamic Organisation for the Employment of Women was founded with the expressed aim of teaching women to earn their living by working 'honourably'. This organisation provided women with room and board and allowed them to live a secluded life by taking upon itself the transportation of the resident women to and from work (Toprak 1988:34). Furthermore, according to Toprak, the organisation was also promoting marriage by providing girls with a trousseau and financial support. Marriage was made mandatory for women over 20 and men over 25, and any resident not complying with this stipulation was asked to leave.

As this final example also shows, right before the demise of the Ottoman Empire, women were regarded by themselves and by the state firstly as mothers and wives. Although educated women had begun to speak out against the Ottoman family system, the main discourse was one of progress and education that did not challenge the identity of women as wives and mothers. This discourse was formulated in opposition to and at times in compliance with another, dominant discourse that couched its arguments in Islamic terms.

The Early Republican Period

It was in the process of the Republican reforms that the second wave of debates on the position of women occupied public interest. If the Ottoman debates constituted women primarily as wives and mothers in need of education, the second constituted them as patriotic citizens. The new patriotic woman was still a wife and a mother, but she also had another mission, that of educating the nation. Professional women became an important symbol for the Turkish Republic, and teaching was exalted above all else. Within this discourse, women were linked to democracy, rather than civilisation, and the debates proceeded in the context of sustained attacks by the founders of the young republic on the Islamic way of life.

It was the activities of women during the war of independence that were to have an important effect on this new identity conferred on women (Tekeli 1982, Kandiyoti forthcoming). While the peasant women had been mobilised behind the lines, the educated women of Istanbul had been active in delivering patriotic speeches in Istanbul and other parts of the country. Women had vigorously protested the partition of the Empire and had joined the Society for the Defense of the Nation (Tekeli 1982). But once the war was over, women returned home to resume their roles as mothers and wives (Tekeli 1986).

As the leaders of the nation were trying to create a Turkish as opposed to an Ottoman identity, they had to contend with the power of Islam. Different currents of Turkism that were articulated since the turn of the century were influential in shaping the version of Turkish nationalism gradually developed by Mustafa Kemal and his friends, the rulers of the young republic. The development of a Turkish nation had to be subordinated to other, perhaps more powerful identities. The Turkish identity, as developed by various thinkers of the period, incorporated the notion of an essentially egalitarian and democratic Turkish past that also included the image of an equal and powerful woman, what Kandiyoti calls a 'pre-Islamic golden age for women'. But ideas of progress, modernisation, technological improvement were also part and parcel of the new nationalism.

The reforms introduced by the ruling elite of the young republic look very much as though they were directed at undermining the bases of the Islamic way of life. In 1924, the caliphate was abolished and with it went office of the Seyh-ül-Islam and the Ministry of the Seriat, the other linchpins of the hierarchical religious structure (Lewis 1968:265). The closure of courts that passed judgements according to the Seriat and of the separa-

te religious and theological colleges accompanied these initial measures. In 1925 Atatürk launched what Lewis calls his 'great symbolic revolution', that is he abolished the fez and made the wearing of hats by all men a legal requirement. The hat was the symbol of Western civilisation and of progress; it constituted and was perceived as the greatest threat to the Muslim identity of the masses (Lewis 1968:269). The official adoption of the Georgian calendar (1925), the Swiss civil code (in 1926), and of the Latin script (1928) were among other reforms that made it difficult to continue daily life according to the old standards and regulations.

Although the Swiss civil code allowed women many rights that they had demanded during the Ottoman era, such as the abolition of polygamy and repudiation, laws regulating the dress of women were not passed until 1935. As argued by Seni (1984), women's bodies have been used as vehicles for the symbolic representation of political intent. In her analysis of village ideology in present-day Turkey Delaney (1984) also shows how the female body becomes an icon encapsulating the past and the future (the seed of the man) and symbolising his house, village, and nation. In spite of numerous incursions into the family life of the Muslim, the republicans seem not to have been so eager to declare their successes at the level of the symbolic. The new woman was to take her place in the public life of the republic as an educated social woman. There would be no difference between men and women, for whom the values and techniques of the nation would be paramount (Durakbasi 1988). (Male) writers declared that notions of maleness and femaleness were not issues that the new nation had to deal with, since these were 'private' issues that were under the jurisdiction of the individual man.

Nevertheless, the values of motherhood were still an important aspect of womanhood. As described in numerous newspapers, pamphlets, treatises and novels published in the first decade of the Republic, the new Turkish woman would continue to have children and to be a wife because it was her duty to the nation. The new woman was a thrifty, enlightened, professionally trained housewife who, cognisant of the needs of the republic only used consumer goods produced in Turkey and who experienced heterosexual friendship only with her husband (Köker 1988:108). Moreover, the new woman was not to be the 'over-Westernised *mondaine*', but would be honourable and chaste like her predecessor in the mythic Turkish past.

Kandiyoti depicts the dominant female image of the period as 'the comrade-woman, an asexual sister-in-arms', whose honour and chastity remains intact in spite of her active participation in the struggle to liberate and improve her nation. This image leads her to conclude that nationalist and Islamic discourses concur in establishing a definition of woman congruent with the true identity of the collectivity, one in which the sexuality of women is kept under strict control. Kandiyoti further concludes that the political process started by the Tanzimat reforms of 1837 gave rise to discourses constitutive of the Ottoman-Turkish polity, discourses within which women figured as symbolic pawns.

Tekeli's (1979) argument that the enfranchisement of women in 1934 was a means of proving the democratic nature of the Turkish Republic ruled by a single party is largely supportive of Kandiyoti's argument. At a time when fascist dictatorships were gaining ground in Europe, the enfranchisement of Turkish women may very well have been a symbolic assertion of democracy. As I argued above, the linking of women and democracy was also part of the struggle against Islamic forces, a struggle in which images of an essentially democratic and feminist Turkish past were frequently made use of.

Nevertheless, it is necessary to indicate that a handful of women, especial-

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ly between 1926 and 1934 did fight to obtain the vote. These women established the Turkish Women's Federation, which during the 1927 national elections tried to show its own candidates; the women were dissuaded from doing so by Atatürk himself (Köker 1988:84). Pressures from above had already managed to thwart women's attempts to establish a political party in 1923 (Toprak 1988). The attempts by the federation to obtain political rights attracted considerable criticism in the press and led to the deposition of the incumbent leader of the federation. Under the new leadership, the federation declared itself to be primarily involved in charitable and cultural activities (Köker 1988:84).

Nevertheless, during the municipal elections of 1931 the Federation did name its own women candidates, and they drew up a comprehensive manifesto in support of their cause. This manifesto, among other things, promised the free distribution of milk to nursing mothers by the municipalities.

Populism (*nalkçilik*) was one of the main ideological tenets of the single party of the nineteen thirties and forties. This populism, according to the ideologues of Kemalism also included feminism, or in a literal translation of the Turkish word, 'womanism' (*kadincilik*) (Köker 1988:106). The official ideology proclaimed the equality of Turkish men and women. This state-proclaimed gender equality produced many professional and academic women in Turkey for whom feminism was redundant since its aims had already been accomplished by Kemalism. Over the years, these women organised in a number of associations that proclaimed the primacy of the values of the Republic, education and motherhood. This double role that was prescribed for women still informs the world-view of many contemporary academic women, the very people who were able to take advantage of republican reforms (Köker 1988). For these women Islam constitutes the main threat to their existence. When religious students agitated for the right to wear a headscarf in the university, the very institution that was the culmination of the Kemalist ideal, women belonging to these organisations staged a symbolic march to Atatürk's Mausoleum in Ankara and laid a wreath at his grave. Articles appeared by academic women in newspapers asking women to fight what was perceived as a retreat to Islam, a retreat that would primarily affect women's position in society (Abadan-Unat 1987). In other words, for the women who were the direct descendents of Kemalist reforms, Islam and tradition continued to be the main threat to their conditions of existence. By contrast, secularism, enshrined in the ideals of Kemalism was perceived as their only protection.

The opposition between modernisation-Westernisation on the hand and traditionalism and Islam on the other has been shown to inform the lives of many sections of the Turkish population. Tapper (forthcoming) describing different forms of wedding ceremonies in a central Anatolian town in the 1980s reports that townspeople themselves categorise wedding rituals under the headings 'modern' versus 'traditional' in spite of the fact that the variety of weddings observed in the field precludes such easy categorisation. Similarly, a small village near Ankara is divided into two wards on the basis of whether the daughters of their inhabitants go to school or not (Delaney 1984). Delaney in a marvelously constructed argument shows how school for daughters mean uncovering the head, that is opening to outside influence, both morally and intellectually. The two main forces that shape the village world-view according to Delaney are Islam, the old ways, and Westernism in the guise of Kemalist reforms and enshrined in the very structure of the school. The links between education, women and religion that I have tried to describe in this historical account, appear in Delaney's work as active forces engaged in full scale battle.

3. the 1980's

During the sixties and seventies Turkish women began to be drawn into a rather different form of discourse from the one that had constituted their mothers as women. The student movement and the various brands of the

Marxist left dominated youth politics for over two decades. Thus, although state ideology continued to provide a legitimate space for women's social and political activities, a new, by definition anti-state ideology was gradually gaining ground. The humanitarian and egalitarian discourse on which most leftist ideologies depended offered women a place in the fight against class domination. But the fight was strictly against the class system and any other ideology such as women's rights had to be subordinated to the main goal. Tekeli, describing these organisations, asserts that the image of the self-sacrificing wife-mother-sister defined the attitude of most of these organisations to women (1986:195). An anti-Islamic stance and the importance given to progress and to education constitute the main points of similarity between ideas informing these movements and official state ideology. What these movements did for women was to give them the experience of mobilisation against the state.

The reasons why the woman question, let alone feminism, did not emerge as an important point of focus before the 1980s can and has been linked to the domination of left-wing ideology in anti-state circles. Other reasons no doubt can also be discerned. Instead of debating this issue, I would like firstly to describe the demands of the feminist movement as it developed after 1980 and to show how it articulates with leftist and Islamist ideologies prevalent today.

Women who call themselves feminists are organised in various small groups. As a result of restrictions imposed by post-1980 state regulation, one of these groups is organised as a limited company that publishes a journal called *Feminist* (Tekeli 1986 and forthcoming), while others established after 1985 are formed as legally constituted associations. The group that I am involved in rejects all forms of formal organisation and until May of this year was involved in running a woman's coffeeshop in Ankara that served as a meeting place for a small number of women. The different activities that have been undertaken by these groups have already been described in the opening paragraphs of this paper. Through these activities and through various publications, these women raise the issue of the oppression of women as a major area of struggle in contemporary Turkish society. Although these women speak from rather different positions, they all agree on the need for an independent women's movement, and they all accept and actively support the proliferation of women's groups representing a wide variety of ideological positions.

Up to the present, the Campaign Against the Battering of Women has served as a focus point around which all these different groups have rallied and cooperated. A booklet produced jointly by the different groups participating in the campaign and entitled *Shout and Be Heard* is a collection of the experiences of battered women. The booklet argues that the violence against women is part and parcel of male domination and that it is endorsed by the state. Furthermore, it forcefully demonstrates that violence against women is not confined to any particular section of the population, conceived in terms of class, education, or occupational background. Above all, the pamphlet tries to isolate the family as the major site of violence against women and argues that women within the family are seen as the property of the men that are its legal heads. Women in Turkey suffer from violence primarily from men who are their husbands, their fathers and brothers.

Western feminism has had a significant impact on these various groups. Non-hierarchical and independent forms of organisations, consciousness raising groups, issue-oriented ad hoc committees are clearly reminiscent of the Western experience. Moreover, most of the women in these groups (including myself), or at least those who were the more active organisers, had had first hand experience of life in the West and had, as students, been associated with feminist activities in London or Paris. However, the need

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for autonomy and small non-official forms of organisation can also be seen as conditions dictated by the political space that these women wanted to create for themselves. Firstly, ad hoc organisations were instrumental at a time when state repression discouraged all forms of extra-parliamentary political activity. This also helped women who had been involved in left-wing activism prior to 1980 to organise independently of the ideological pressure coming from the more-orthodox left which branded their efforts as bourgeois deviations. As suggested by the foregoing, the refusal of many of these women to organise in legally recognised political associations was also a way of distancing themselves from the state and of repudiating state feminism.

The insistence on the political nature of the personal is another point of similarity between Western and Turkish feminism. This insistence has led feminists to consider the specificity of the Turkish family and its relation to the subordination of women. The examination of the family and especially of the relations between women within the family have also revealed strong networks established by women that could be and were activated to create cooperative and supportive structures. The concept of sisterhood which Western feminists tried to promote was seen to already exist in a society that is still largely segregated along gender lines. (Of course, there are limits to this solidarity, as is evidenced by the testimonies of women recounting the role played by other women, especially mothers-in-laws, in their experience of male violence). Considerations such as these made feminists sensitive to what they began to call 'women's knowledge' (Tekeli 1987, Ovadia 1988).

Apart from these points that bring the different women's groups together, there are also important influences that pull them apart. The divisions that marked the left still play an important role in the constitution of the different women's groups. The emergence of the feminist discourse in the early 1980s was in fact seen by many sections of the left as a piece of opportunism, a voicing of opinion when other more 'seriously political' voices had been forcefully silenced. During the course of the seventies, some leftist groups changed their attitude with regard to women's independent organisation and instead began to promote such activities as a way of drawing more support to their more-inclusive projects. Many of the women active in women groups identify themselves also as socialists and as such are quite sensitive to criticisms from the left. One consequence of what in Turkey are largely perceived as conflicting allegiances has been the formulation of specifically Turkish 'socialist feminism' where the struggle within society at large is described within the terms of class struggle and the struggle within the family is seen as the locus of feminist activity (Kaktüs 1988). Thus, one question that cannot be answered at the moment is whether allegiance with the left as opposed to the state will allow these feminist groups a longer lease of life.

Apart from the left, projects that speak to women are developed both by the official establishment and by the new Islamic movements that have become prominent in the last few years. The activities of the Foundation for the Elevation of the Turkish woman, an organisation headed by the Prime Minister's wife is able to channel considerable funds into its main activities; the campaign to marry legally women who are joined only by the unofficial religious ceremony and the campaign to bring health visitors and means of birth control to rural women. A bi-monthly news sheet published by the Foundation informs its reader of these activities and praises women who have successfully combined marriage and motherhood with a professional career. In its insistence on the false security provided by the religious ceremony, and on the role of women as mothers and as career women, the project of the Foundation seems to be fairly in line with tenets of Kemalist feminism. The Foundation also promotes the

Motherland Party and as such acts as the Ministry of Women's Affairs advocated by the Social Democratic Populist Party, heir of Atatürk's People's Republican Party.

Islamic publications that have proliferated in the last three years also speak to the woman's question and in the view of one analyst, raise the banner of women's rights and women's emancipation in their attack on secularism and modernity (Acar 1988)? That men and women are equal in the sight of God, and that only Islam can restore women the rights they have lost is a constant theme expounded in these publications. The ways in which the Islamic discourse intersects with that of the feminists can be shown by two recent developments. Articles written by a few women Islamists became the centre of a controversy that raged in the pages of an Islamic daily which had an intellectual readership and was also involved with issues such as environmental pollution and student demands. A woman who identified herself as a Muslim proclaimed that Islam could benefit from the arguments put forward by feminism. The feminist author that these women whom the popular press calls 'turbaned feminists' most frequently quote is el-Saadawi. This initial article provoked a variety of responses from readers. Many of the women who responded repudiated feminism as a product of Westernisation and modernisation which had nothing to offer to a true Muslim; but they nevertheless accepted that the position of women is something that Islamic writers and intellectuals had not been very sensitive about. Muslim women are attracted to feminism to the extent that the latter questions the objectification of women and the commoditisation of the female body and sexuality.

The aggressiveness of the Turkish male and the physical harassment that women were subjected to in overcrowded public buses made another Islamic journal launch a campaign for segregating public transport. The fact that some feminists publicly embraced these women created a serious rift among feminists. For some, joining forces with Islamists was compatible with feminism which in the name of democracy supported the expression of any political demand. Furthermore, the analysis on which these debates were based, up to point, concurred with the feminist analysis. Thus, there should be no problem in joining forces with Islamist women against male society as well as its state apparatus. Other women, by contrast felt that this was carrying anti-statism too far and that feminism and Islam could not ever be compatible.

As these last examples show, the twin parameters of state secularism and modernism as opposed to an Islam that is now trying to shed its traditionalism and develop a radical discourse, still define the space within which feminism is trying to flourish. To the extent that the left has provided another discourse shaping the terrain within which feminism develops, it occupies a middle position. Like the Islamists and the feminists, left discourses are located outside the structures of the state and outside Western capitalism, but like state ideology, it propounds a modernist, secular world view in which there is no space for religion. Whether feminism, trapped as it were between modernism and non-modernism, will be able to survive in these conditions and what forms it will take in the process of survival are still questions that only the future can answer.

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Equal Before Allah ?

Woman-man equality in the Islamic tradition

Riffat Hassan

I have been asking questions such as “What is the Islamic view of women?” and “What does it mean to be a Muslim woman?” for a long time. I was born female to a Muslim family living in Lahore, a Muslim city in a Muslim country, Pakistan. Not until 1974, however, did I begin my serious study of women’s issues in Islam and — I am still shocked to reflect — this happened almost by accident.

I was, at that time, faculty adviser to the Muslim Students’ Association chapter at Oklahoma State University in Stillwater. (I had acquired this “honour” solely because there was no Muslim man on the faculty and it was mandatory for each chapter to have a faculty adviser.) Their annual seminar included an address by the faculty adviser, so I was asked — albeit not with overwhelming enthusiasm — if I would read a paper on women in Islam. I knew that speakers were not generally assigned subjects and that I had been asked to speak on women in Islam because, in the opinion of the group, it would have been totally inappropriate to expect a Muslim woman, even one who taught them Islamic Studies, to be competent to speak on any other subject pertaining to Islam. I resented what the assigning of the subject meant.

Still, I accepted the invitation for two reasons. First, I knew that being invited to address an all-male, largely Arab-Muslim group that prided itself on its patriarchalism was itself a breakthrough. Second, I was so tired of hearing Muslim men pontificate on the position or status or role of women in Islam, I thought that it might be worthwhile to present a woman’s viewpoint. I began my research on the subject more out of a sense of duty than out of any deep awareness that I had embarked on perhaps the most important journey of my life.

I do not know exactly at what time my “academic” study of women in Islam became a passionate quest for truth and justice on behalf of Muslim women — perhaps it was when I realized the impact on my own life of the so-called Islamic ideas and attitudes regarding women. What began as a scholarly exercise became simultaneously an Odyssean venture in self-understanding. But “enlightenment” does not always lead to “endless bliss”. The more I saw the justice and compassion of God reflected in the Qur’anic teachings regarding women, the more anguished and angry I became at seeing the injustice and inhumanity to which Muslim women in general are subjected in actual life. I began to feel that it was my duty — as a part of the microscopic minority of educated Muslim women — to do as much consciousness-raising regarding the situation of Muslim women as I could.

The Need for Women’s Theology in Islam

Despite the fact that women such as Khadijah and ‘A’ishah (wives of the Prophet Muhammad) and Rabi’a al-Basri (the outstanding woman Sufi) figure significantly in early Islam, the Islamic tradition has, by and large, remained rigidly patriarchal until the present time, prohibiting the growth of scholarship among women particularly in the realm of religious thought. Thus the sources on which the Islamic tradition is based, mainly the Qur’an, the Hadith literature (oral traditions attributed to the Prophet), and Fiqh (jurisprudence), have been interpreted only by Muslim men, who have arrogated to themselves the task of defining the ontological, theological, sociological and eschatological status of Muslim women.

Hardly surprisingly, then, until now the majority of Muslim women have accepted this situation passively. They are almost unaware of the extent to which their human (and Islamic, in a ideal sense) rights have been violated by their male-dominated and male-centred societies, which have continued to assert glibly and tirelessly that Islam has given women more rights than any other religious tradition. For Muslim women, kept for centuries in physical, mental, and emotional bondage, analyzing their personal experience is probably overwhelming. While the rate of literacy, for example, is low in many Muslim countries, the rate of literacy among the world’s one-half billion Muslim women, especially the majority who live in rural areas, is among the lowest in the world.

Today, largely due to the pressure of anti-women laws being promulgated in some parts of the Muslim world under the cover of “Islamization”, women with some degree of education and awareness are realizing that religion is being used for oppression rather than for liberation. To understand the strong impetus to “Islamize” Muslim societies, it is necessary to know that the greatest challenge confronting the Muslim world is that of modernity. The caretakers of Muslim traditionalism are aware that viability in the modern technological age requires adoption of the scientific or rational outlook, which inevitably brings about major changes in modes of thinking and behaviour.

Women, both educated and uneducated, are participating in the national workforce and contributing to national development. They think and behave differently from women who have no sense of their individual identity or autonomy as active agents in a history-making process or from women who merely regard themselves as instruments designed to minister to and reinforce a patriarchal system they believe to be divinely instituted. In the recent past, many women in Pakistan were jolted out of their “dogmatic slumber” by the enactment of such laws as the *Hadud* laws (capital crime) or the *Qanun-e-Shahadat* (law of evidence), and by threatened legislation pertaining to women’s *Qisas* and *Diyat* (“blood fine”) aimed to keep women “in their place,” which means secondary, subordinate, and inferior to men.

In the face both of military dictatorship and religious autocracy, valiant efforts have been made by women’s groups in Pakistan to protest the manifestly anti-women laws and to highlight cases of gross injustice and brutality toward women. It is still, however, not clearly and fully understood even by many women’s rights activists in Pakistan and other Muslim countries that the negative ideas and attitudes about women prevalent in Muslim societies are rooted in theology. Unless and until the theological foundations of misogynistic and androcentric tendencies in the Islamic tradition are demolished, Muslim women will continue to be brutalized and discriminated against, despite statistical improvements relating to female education, employment, or social and political rights. No matter how many socio-political rights are granted to women, as long as they are conditioned to accept the myths used by theologians or religious hierar-

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chies to shackle their bodies, hearts, minds, and souls, they will never become fully developed or whole human beings.

In my judgment the importance of engaging in a serious theological discussion of women-related issues in Islam today is paramount to liberate not only Muslim women but also Muslim men from unjust structures and laws that make a peer relationship between men and women impossible. It is good to know that in the last hundred years there have been at least two significant Muslim thinkers — Qasim Amin from Egypt and Mumtaz ‘Ali from India — who have been staunch advocates of women’s rights. Still, knowing this hardly lessens the pain of also knowing that even in this age, characterized by the explosion of knowledge, all but a handful of Muslim women lack any knowledge of Islamic theology. It is profoundly discouraging to contemplate how few Muslim women there are in the world today who possess the competence, even if they have the courage and the commitment, to engage in historical-critical study of Islam’s primary sources and to develop a theology focusing on women-related issues in the specific context of the Islamic tradition.

The Jewish and Christian View of Creation

My inquiry into the theological roots of man-woman inequality in the Islamic tradition led me to expand my field of study in at least two significant ways. First, realizing the profound impact of Hadith literature upon Muslim consciousness, particularly the two collections, *Sahih al-Bukhari* and *Sahih Muslim* which, next to the Qur’an, the Sunni Muslims regard as the most authoritative books in Islam, I examined with care the women-related *ahadith* in these collections. Second, I studied several important writings by Jewish and Christian feminist theologians who were attempting to trace the theological origins of the anti-women ideas and attitudes found in their respective traditions.

As a result of my study and deliberation, I perceived that not only in the Islamic but also in the Jewish and Christian traditions three theological assumptions are the base of the superstructure of men’s alleged superiority to women. These three assumptions are : (1) that God’s primary creation is man, not woman, since woman is believed to have been created from man’s rib, and is therefore ontologically derivative and secondary; (2) that woman, not man, was the primary agent of what is customarily described as man’s Fall or man’s expulsion from the Garden of Eden, and hence “all daughters of Eve” are to be regarded with hatred, suspicion, and contempt; (3) that woman was created not only *from* man but *for* man, which makes her existence merely instrumental and not of fundamental importance.

The ordinary Muslim believes, as seriously as the ordinary Jew or Christian, that Adam was God’s primary creation and that Eve was made from Adam’s rib. If confronted with the fact that this firmly entrenched belief is derived mainly from the Bible, and contradicts the Qur’an, this Muslim is almost certain to be shocked. The rather curious and tragic truth is that even Western-educated Muslims have little idea of the extent to which the Muslim psyche bears the imprint of Jewish and Christian ideas and attitudes pertaining to women.

Without some knowledge of what the Bible says about the creation of Adam and Eve, I do not believe that it is possible for Muslims to evaluate to what degree their views regarding women (particularly with reference to the issues of her creation and her responsibility in the Fall) have been influenced by the Jewish and Christian tradition rather than by the Qur’an. Such evaluation is, I believe, an essential prerequisite to developing a feminist theology rooted in the Qur’an.

The biblical account of creation consists of two different sources the Yahwist (10th century B.C.E.) and the Priestly (5th century B.C.E.), from which arise two different traditions. There are four references to woman’s creation in Genesis : (1) 1:26-27, Priestly tradition; (2) 2:7, Yahwist tradition; (3) 2:18-24, Yahwist tradition; and (4) 5:1-2, Priestly tradition.

Study of these texts shows that the Hebrew term *adam* (“of the soil”) functions mostly as a generic term for humanity. Pointing out that the correct translation of this term is “the human”, Leonard Swindler (*Biblical Affirmations of Woman*) observes : “It is a mistake to translate it in Genesis 1:1 to 2:22 either as ‘man’ in the male sense, or as a proper name, ‘Adam’”.

Of the four texts referring to creation, undoubtedly the most influential has been Genesis 2:18-24, which states that woman (*ishshah*) was taken from man (*ish*). From this text it has generally been inferred that (1) Adam was God’s primary creation from whom Eve, a secondary creation, was derived and (2) Eve was created simply and solely to be the helpmate of Adam. Sheila Collins (*A Different Heaven and Earth*) concludes : “The seeds of woman’s subjection and of her predilection to evil are to be found in Hebrew culture and Hebrew religious tradition.” However, as Clark and Richardson (*Women and Religion*) note : “It is to the Hebrews’ credit that they did not, at least in the literature contained in the Jewish canon of the Bible, interpret the stories of Genesis 2 and 3 (*Eve’s creation and her part in the first sin in Eden*) as a justification for negative attitudes toward women. Eve, strangely enough, does not function as any kind of female symbol in the Old Testament.” In the Christian tradition, however, Eve’s derivative status and connection with the Fall have been used to allege man’s superiority to woman.

Feminist theologians of the modern era, both women and men, are acutely aware that traditional interpretations of the Yahwist’s account of woman’s creation in Genesis 2:18-24 have been strongly anti-women and have through the ages caused women “immeasurable harm” (Mary Daly, *The Church and the Second Sex*). While some of them consider the texts irredeemably sexist, others believe that if the Genesis accounts of human creation are understood in the light of modern knowledge in general, and modern hermeneutics in particular, they reveal new meanings that startlingly oppose traditional exegesis.

It seems both strange and ironic that while in our times an increasing number of Jews and Christians are rejecting traditional interpretations of the story of woman’s creation, Muslims, who, generally speaking, are ignorant of or hostile to Jewish and Christian religious literature, continue to hold on to them, perceiving them to be necessary to preserving the integrity of the Islamic way of life.

Creation in the Qur’an

While specific reference is made in Genesis to the creation of Adam and Eve, there is no corresponding reference in the Qur’an. In fact, there is no mention of Eve (Hawwa’) at all in the Qur’an. The term *Adam* occurs 25 times, but there is no categorical statement in the Qur’an that Adam was the first human being created by Allah. The term is used most frequently in reference to more than one or two human beings.

That the term *Adam* functions as a collective noun and stands for humankind is substantiated by an analysis of the several verses in which it occurs. The collective use of *Adam* is corroborated by the fact that the Qur’an sometimes replaces the term *Adam* by *Alinsan* or *Bashar*, which are both generic terms for humanity. Here it is important to note that though *Adam* usually does not refer to a particular human being, it does refer to human beings in a particular way, as pointed out by Muhammad Iqbal. “(I)n the verses which deal with the origin of man as a living being, the Qur’an uses the words *Bashar* or *Insan*, not *Adam* which it reserves for man in his capacity of God’s vice regent on earth... The word *Adam* is retained and used more as a concept than as a name of a concrete human individual.” It is noteworthy that the Qur’an uses the terms *bashar*, *al-*

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insan, and *an-nas* while describing the process of the physical creation of human beings. It uses *Adam* more selectively to refer to human beings only when they become representative of a self-conscious, knowledgeable and morally autonomous humanity.

Instead of “Adam and Hawwa’”, the Qur’an speaks of “Adam and *zauj*.” Muslims, almost without exception, assume that Adam was the first human being created by Allah and that he was a man. If Adam was a man, it follows that Adam’s *zauj* mentioned in the Qur’an becomes equated with Hawwa’ (Eve). Neither the initial assumption nor the inferences drawn from it are, however, supported in a clear or conclusive way by the Qur’anic text. The Qur’an states neither that Adam was the first human being nor that Adam was a male.

The term *Adam* is a masculine noun, but linguistic gender is not sex. If *Adam* is not necessarily a man, then Adam’s *zauj* is not necessarily a woman. In fact, the term *zauj* is also a masculine noun and, unlike the term *Adam*, it has a feminine counterpart, *zaujatan*. (Here it may be noted that the most accurate English equivalent of *zauj* is not “wife” or “husband” or even “spouse” but “mate”. The Qur’an uses *zauj* with reference not only to human beings but to every kind of creation, including animals, plants and fruits).

Why then does the Qur’an use *zauj* and not *zaujatan* if the reference is indeed to woman? In my opinion, the Qur’an leaves the terms *Adam* and *zauj* deliberately unclear, not only as regards to sex but also as regards to number, because its purpose is not to narrate certain events in the life of a man and woman (i.e., the Adam and Eve of popular imagination) but to refer to some life experiences of all human beings, men and women together.

The Qur’an describes human creation in 30 or so passages which are found in various chapters. Generally speaking, it refers to the creation of humanity (and nature) in two ways: as an evolutionary process where diverse stages or phases are mentioned sometimes together and sometimes separately, and as an accomplished fact or in its totality. In the passage in which human creation is described “concretely” or “analytically”, we find that no mention is made of the separate or distinct creation of either man or woman. In those passages in which reference is made to Allah’s creation of human beings as sexually differentiated mates, no priority or superiority is accorded to either man or woman.

In summary, the Qur’an evenhandedly uses both feminine and masculine terms and imagery to describe the creation of humanity from a single source. That Allah’s original creation was undifferentiated humanity, and neither man nor woman (who appeared simultaneously at a subsequent time), is implicit in a number of Qur’anic passages.

Hawwa’ in the Hadith literature

If the Qur’an makes no distinction between the creation of man and woman, as it clearly does not, why do Muslims believe that Hawwa’ (Eve) was created from the rib of Adam? Although the Genesis 2 account of woman’s creation is accepted by virtually all Muslims, it is difficult to believe that it entered the Islamic tradition directly, for very few Muslims ever read the Bible. It is much more likely that it became a part of Muslim heritage through its assimilation in Hadith literature, which has been in many ways the lens through which the Qur’an has been seen since the early centuries of Islam.

Hadith literature, which modernist Muslims tend to regard with a certain scepticism, is surrounded by controversies, centering particularly around

the question of the authenticity of individual *ahadith* as well as the body of the literature as a whole. Noted Islamicists, such as Alfred Guillaume, H.A.R. Gibb, and M.G.S. Hodgson have underscored the importance of the Hadith literature, stating that it not only has its own autonomous character in point of law and even of doctrine, but that it also has an emotive aspect, hard to overstate, relating to the conscious and subconscious thought and feeling of Muslims, individually and collectively.

That the story of Eve’s creation from Adam’s rib had become part of the Hadith literature is evident from the following *hadith* cited by Jane Smith and Yvonne Haddad in their article, “Eve : Islamic Image of Woman” :

“When God sent Iblis out of the Garden and placed Adam in it, he dwelt in it alone and had no one to socialize with. God sent sleep on him then He took a rib from his left side and placed flesh in its place and created Hawwa’ from it. When he awoke he found a woman seated near his head. He asked her, ‘Who were you created?’ She answered, ‘Woman’. He said ‘Why were you created?’ She said, ‘That you might find rest in me.’ The angels said, ‘What is her name?’ and he said, ‘Hawwa’.’ They said, ‘Why was she called Hawwa’?’ He said, ‘Because she was created from a living thing’.”

This *hadith* clashes sharply with the Qur’anic accounts of human creation while it has an obvious correspondence to Genesis 2:18-33 and Genesis 3:20.

Some changes, however, are to be noted in the story of woman’s creation as retold in the above *hadith*. It mentions the left rib as the source of woman’s creation. In Arab culture great significance is attached to right and left, the former being associated with everything auspicious and the latter with the opposite. In Genesis woman is named Eve after the Fall but in the above *hadith* she is called Hawwa’ from the time of her creation. In Genesis woman is named Eve because “she is the mother of all who live” (thus a primary source of life), but above she is named Hawwa’ because she was created from a living thing (hence a derivative creature). These variations are not to be ignored. Biblical and other materials are seldom incorporated without alteration into a *hadith*. The above example illustrates how, with respect to woman, Arab biases were added to the adopted text.

Citation of the above *hadith*, and those like it, by significant Muslim exegetes and historians shows the extent to which authoritative works both of Qur’anic exegesis and Islamic history had become coloured by the Hadith literature. In the course of time, many *ahadith* became “invisible” the later commentators referring not to them but to the authority of earlier commentators who had cited them to support their views. This practice made it very hard to curtail their influence since they became diffused throughout the body of Muslim culture.

Perhaps no better proof of how totally *ahadith* such as the one cited have penetrated Muslim culture can be given than the fact that the myth of the creation of Hawwa’ from Adam’s rib was accepted uncritically even by Qadim Amin (1836-1906), the Egyptian judge and women’s rights activist. His book *Tahrir al-Mara* (*The Emancipation of Women*, 1899) and *Al-Mara al-Jadida* (*The Modern Woman*, 1900) were epoch-making in the history of Muslim feminism. Amin’s romantic interpretation of the myth, reminiscent of Milton’s, shows that he did not realize how fundamentally the issue that concerned him most deeply, namely, woman’s social equality with man in a strongly male-centered and male-dominated Muslim society, hinged upon acceptance or rejection of the creation story and its anti-women interpretation. Nor, unfortunately, do many present-day Muslim women’s rights activists realize that this myth undergirds those very anti-women attitudes and structures they seek to change.

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Yet such *ahadith* are found not only in the significant secondary sources of Islam but also in *Sahih al-Bukhari* (compiled by Muhammad ibn Isma'il al-Bukhari, A.H. 194-256 / A.D.810-870) and *Sahih Muslim* (compiled by Muslim bin al-Hajjah, A.H. 202 OR 206-261 / A.D. 817-875), the two Hadith collections regarded by Sunni Muslims as being second in authority only to the Qur'an. They were painstakingly collected from oral transmissions traceable to the sayings and precepts of the Prophet himself.

While it is not possible to give a detailed critical analysis here of either the *isnad* (list of transmitters) or the *matn* (content) of the six *ahadith* that deal with the creation of woman, a few comments on both may be useful. Analysis of the *matn* of the *ahadith* leads to identifying the following common elements in them : (1) Woman is created from a rib or is like a rib. (2) The most curved and crooked part of the rib is its top. (3) The crookedness of the rib (and of the woman) is irremediable and any effort to remove it will result in breakage. (4) In view of the above, an attitude of kindness is recommended and those who wish to benefit from women are advised to do so "while crookedness remains in her."

Concerning these statements the following observations are made : (1) The rib story obviously originates in Genesis 2 but no mention is made in any of *ahadith* of Adam. This eliminates the Yahwist's androcentrism but also depersonalizes the source of woman's creation (i.e., the "rib" could, theoretically, be non-human). (2) The misogynist elements of the *ahadith*, absent from Genesis, clash with the teachings of the Qur'an, which describes all human beings as having been created *fi ahsan-i taqvim* ("most justly-proportioned and with the highest capabilities")... (3) I cannot understand the relevance of making the statement that the most crooked part of the rib is its top. (4) The exhortation to be kind to women would make sense if women were, in fact, born with a natural handicap and needed compassion. Is "irremediable crookedness" such a handicap ? (5) The exhortation to kindness seems to be pernicious, smacking of a hedonism or opportunism, which is hard to appreciate even if women were indeed "irremediably crooked"...

The theology of woman implicit in the *ahadith* is based upon generalizations about her ontology, biology, and psychology that are contrary to the letter and spirit of the Qur'an. These *ahadith* ought to be rejected on the basis of their content alone. However, *matn*-analysis (which was strongly urged by Ibn Khaldun, A.D. 1332-1406) has received scant attention in the work of many Muslim scholars who insist that a *hadith* is to be judged primarily on the basis of its *isnad*. With regard to the *isnad* the following points may be noted : (1) All these *ahadith* are cited on the authority of Abu Hurairah, a Companion of the Prophet who was regarded as controversial by many early Muslim scholars, including Imam Abu Hanifah (A.D. 700-767), founder of the largest Sunni school of law. (Here it is pertinent to note that though a more critical attitude toward Hadith and Hadith-transmitters prevailed during the earliest phase of Islam, later it became a "capital crime" to be critical of any Companion.) (2) All of the *ahadith* are *gharib* (the lowest grade of Hadith classification) because they contain a number of transmitters who were single reporters. Eminent scholars of Hadith defined a *sahih* or sound hadith as one that is related in the first place by a Companion, in the second place by at least two Followers, and thereafter by many narrators. (3) All of the *ahadith* are *da'if* ("weak") because they have a number of unreliable transmitters.

I regard the issue of woman's creation as more important, philosophically and theologically, than any other. If man and woman have been created equal by God, who is believed to be the ultimate arbiter of value, then they cannot become unequal, essentially, at a subsequent time. Hence their

obvious inequality in the patriarchal world is in contravention of God's plan. On the other hand, if man and woman have been created unequal by God, then they cannot become equal, essentially, at a subsequent time. Hence any attempt to equalize them is contrary to God's intent.

Given the importance of this issue, it is imperative for Muslim women's rights activists to know that the egalitarian accounts of human creation given in the Qur'an have been displaced by the contents of *ahadith*, even though this cannot happen in theory. The only way that Muslim daughters of Hawwa' can end the history of their subjection at the hands of the sons of Adam is by returning to the point of origin and challenging the authenticity of the *ahadith* that make women derivative and secondary in creation, but primary in guilt, sinfulness, and mental and moral deficiency. They must challenge the later sources that regard them not as ends in themselves but as instruments created for the convenience and comfort of men.

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Female Sexuality and Islam

Farhat Rahman

History reveals that sexual oppression of women, in one form or another, exists in every society in the world. Nevertheless, it has been achieved by different methods, economically, intellectually, physically and psychologically. The control of women's bodies, or in other words physical mutilation, was raised with the rise of patriarchy.

With the rise of patriarchy, many customs and traditions were developed. Of these customs and traditions, many have disappeared or were gradually abandoned, while some remain. Female circumcision is one of the customs still surviving and practised in the name of religion i.e. Islam with the fair justification of Islamic traditions. Although it has no religious basis and the custom is pre-Islamic in origin, the practice spread and gained strength with the rise of Islamic traditions, which bear the distinctive impress of Arabian social history and of the Arab mind and character of the seventh century.

Nevertheless, it should be noted that destructive qualities of female sexuality have been quoted in many Hadith (sayings of the Prophet) as well as in the writings of eminent Muslim scholars like Ghazali, Sha-wali-ullah etc. In all the books of Hadith and Fiqh, as well as in the interpretations of the Quran, one can easily find the chapters related to the destructive powers of women's sexuality which strongly support the physical mutilation of women i.e. circumcision. Although Islam does not favour the practice, it provides the ideological justification for it.

From centuries ago, right from the beginning when Islamic traditions and jurisprudence were compiled, women were considered as "empty headed blabbers" causing all the chaos of mankind. In one interpretation of the Quran, commentators placed women, children and lunatics at the same level. (Mauraful Quran and Tafsir Ibn-Kasir, Surah Al Nissa verse N° 6). Woman has further been regarded as more disposed to passion and emotions than to reason (Naqis-ul-Aql). She has been considered as a symbol of disorder and Fitna (chaos and discord):

"After I have gone, there will be no greater menace to my nation more liable to create anarchy and trouble than women." (Bukhari 1868:419).

Fitna, in this sense means that sexually irresistible, beautiful woman who disrupts the world order.

In order to perpetuate male domination and to limit women's fitna, women were relegated to a submissive role by giving them a negative concept of themselves: this takes many forms, e.g. chastity, sexual repression, seclusion, female circumcision; polygamy (for men), monogamy (for women) motherhood and so on.

In Islam, extra marital sex for men has become an inseparable part of life and society, whereas for the women Islamic society upholds the value of virginity and marital fidelity.

Islam does not set limits on the freedom of man in the practice of sex with

his wife without her consent. This is based on the Quranic ayah (verse) which says "women are the land which is yours to plough - you may therefore plough them wherever you wish. (2.22)".

On the other hand, Islamic teachings forbid women to desert their husbands in bed. According to the Hadiths, often quoted by Muslim jurists and scholars to give an image of an "ideal Muslim woman", if a woman spends the night deserting her husband's bed (without a reasonable cause) she is sinful (Bukhari).

Abu-Huraira narrated: The prophet said "If a man invites his wife to sleep with him and she refuses to come to him, then the angels send their curses on her 'til morning." (Bukhare).

"When a man calls his wife to satisfy his desire she must go to him even if she is occupied at the oven." (Mishkat 1, P.691).

Muslim scholars explained later that all these commands were made for the security of the social order, to prevent men satisfying their sexual needs with prostitutes. These grave distortions have been used to justify the practice of polygamy.

On the other hand, men could desert their wives if they felt suspicious about her character, following the famous event of Aisha (Prophet's wife) when the Prophet deserted her for a month. (Surah al-noor). On another occasion, when the Prophet had decided to abstain from eating a certain kind of food and was blamed by Allah for doing so. (Surah Al-Tahrim verse n° 1) His wives were accused as the cause of His taking that decision and He deserted them for one month (Bukhari).

Here I would like to quote a few traditions (sayings of the Prophet) related to women, considering her as a source of evil.

1. A woman is the string of the devil. (Ahya-al-alum-aldin, Ghazali).
2. A woman is like a private part when she comes out, the devil holds her high. (Ibid).
3. The duties of a wife towards her husband are many; the foremost is to preserve chastity. (Ibid)
4. Truly, among your wives and your children there are enemies for you (i.e. they may stop you from the obedience of Allah). (Bukhari).
- 5."Abdullah bin ' Umar, Allah's Apostle said, "Evil omen is in the women, house and the horse. (Ibid).
6. Usama bin Zaid narrated: The prophet said, "After me I have not left my affliction more harmful to men than women. (Ibid)
7. A woman advances in the form of a devil and retires in the form of the devil, 'the Prophet says "When one of you is charmed by a woman and she affects your heart, he should go to his wife and have intercourse with her, for that will repel what he is feeling." In another tradition, the Prophet, after a personal incident, says, 'If any man sees a woman who charms him, he should go to his wife, for she has the same kind of thing as the other woman. (Mishkati, p662).
8. The prophet saw a woman. He hurried to his house and had intercourse with his wife Zainab, then left the house and said, "When the woman comes towards you, it is Satan who is approaching you. When one of you sees a woman and feels attracted to her, he should hurry to his wife. With her, it would be the same as with the other one." (Tirmidi).
- 9.Usama narrated: The Prophet said, "When I stood at the gate of the fire I saw that the majority of those entered it were women. When asked what is the reason for that, He replied, "because of their ungratefulness to their husbands. (Bukhari).
10. A man will not be asked about why he beats his wife (Mishkat 1.p.693).

Men, (husbands) have been regarded as Majaz-e-Khuda (next to God): "If

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I were to order anyone to prostrate himself before another, I would order a woman to prostrate herself before her husband.” (Mishkat) Several other traditions shows that women are looked upon as things to be enjoyed: The Prophet is reported to have said, ‘The whole world is to be enjoyed, but the best THING in the world is a good woman.’ (Mishkat,1,p.658)

These traditions on female sexuality are based on Greek mythology, according to which woman is body without head so the body should be covered, and man is her head so he should rule over her. Veiling was also inspired by this idea.

Bound and Gagged by the Family Code

An interview with Marie Aimée
by Sophie Laws (July 1984)

Marie Aimée talks about an alarming recent change in the situation of women in Algeria. A 'Family Code' law has been introduced which removes many of women's basic human rights. She also speaks about contraception, the problem of abandoned children and the consequences for women of the insistence on virginity at marriage.

Marie Aimée: I would like to start with this new law, which is known in Algeria under the name "Family Code", (not the name of it, that is "Law on Personal Status") a title which is also used in Tunisia and Morocco. After Independence, in 1962, we were still under extended French law on personal status, because we could not change all the laws at the same time. Under Ben Bella, who was the first president (1963-5), we already had a proposal of a family code, introducing some amendments to the Constitution about equal rights of all citizens, which we felt even at that time to be quite backward as far as women were concerned. Women were already discriminated against, under the pretext of the Koranic influence in the country. We had two other proposals, under Boumedienne, who was the second president of Algeria : the three proposals were stopped by left individuals (both women and men) who were close to the President. What happened in 1982 was that a fourth proposal was issued, under Chadli, and we couldn't find out what it contained. This was also the case with the three previous ones, but they were circulated among a few people so that at least privileged people could have a look at them; this was also why leftists could use their personal influence to stop them.

But this fourth proposal was entirely kept secret - I'll give you two examples to show you to what extent it was kept secret. We had friends who were ministers - they had only two sessions to discuss this proposal. They told us that a copy of it was given to them when they entered the room, and taken back when they went out of the room. And they accepted this! This gives you an idea of the climate of fear in Algeria. We also have six women Deputies (MPs), so we went to them as well and asked them if we could look at what the proposal was, before it was passed without our knowledge. They also refused - the same things were happening to them. All the Deputies were given copies when they entered the room, and the copy was taken back. And they also accepted it. This is really anti-constitutional, because they are supposed to refer to us, they are supposed to represent us. Anyway we couldn't get hold of this proposal so two weeks before we knew that it was going to be passed, we had to steal this proposal. Then we duplicated 25 copies on an old alcohol machine, because that's the only way for it not to be traced by the police. They can find a modern machine. We tried to put these 25 copies in various strategic places where people would react. Only one of those copies reached the target - it was veteran women, women who fought in the Liberation struggle

and who are legally organised. We have no free association at all, so it's very difficult to organise, it's always illegal, but those women are allowed to have their own meetings. So it was very important to reach this group.

They understood the situation, and they called a demonstration , the first women's demonstration for 20 years, since independence. Exactly 20 years. Usually any kind of demonstration is just crushed, but this time we had in the front line six women who had been condemned to death under the French, so the police didn't beat them. It was a good tactic. The women veterans also wrote to their Minister, the Minister of Veterans, saying that they hadn't fought for such a result. They also wrote to the Minister of Justice and to the President. The State was frightened - the President stopped this proposal. We thought it was a big victory, and anyway the first one since independence. Then what happened was that everything was very quiet, after 1982, and then we heard that this proposal (or another like it) was still there, and could be passed at any time.

Three feminists had been arrested in October, last October, along with many other political prisoners. But these three had been arrested because they were feminists, and their only action had been to distribute copies of this proposal, and call for people to read it carefully and not let it be passed. They had been arrested then, and we heard about it in March, which means that it was kept secret - there were no trials, no nothing. So we started an international campaign. The President of Algeria received thousands of letters and telegrams from all over the world, because we could reach feminist groups in all continents. They were released after one and a half months' campaign. It was a big success.

And then immediately after their release, when everybody was relaxed and happy, the Family Code was passed. So now we are under this law, and I want to tell you what it is. These details are from the fourth proposal - the actual law that was passed may be slightly different, but the spirit won't have changed. Is it said that it is inspired by Koranic law, but as we all know, religion is always used by the ruling class.

Family Code against women's rights.

We have no right to marry, for instance: we have to *be given* in marriage, according to the tradition, by a man of our family to the other family. It was stated that the aim of marriage is *reproduction* , which also means that somebody can be divorced or repudiated (I will explain what that is) on the grounds of infertility. Repudiation is when the husband just sends his wife away - she is no longer married to him, but she is not divorced, and stays like this. If her family takes her back, then at least she is fed, but if not, she is on the street. And with the cultural change in Algeria, it's more and more likely that more and more women will be on the street, and not back in their families. So it's certainly a big problem.

Sophie: Before this family code was passed, could men repudiate their wives in the same way?

M: Yes, of course, they could, but it was not *legal* . It was done for years, but the Constitution of Algeria guarantees equal rights, so it was anti-constitutional. But now this law is in contradiction with the Constitution. And we are going to fight it on legal grounds too.

We have no right to divorce at all. Only the husband can divorce. We have no right to work, we have got to have permission from our father or our husbands to work. And this is a very good example of the fact that it is not Koranic law, because in the time of the Prophet, I doubt very much that anything was said about wage-earning, since it didn't exist at that time! So this is not only anti-socialist (and we claim to be socialists), but it is also very much against women. Now when a couple divorce, or rather when a

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husband divorces his wife, the children are given to the woman, to the mother. But you cannot really say that she has responsibility for the children. A boy is given to her up to the age of nine or ten, and girl until marriage. But she is only working as a maid in keeping the children - the husband can take them back whenever he feels that she is not raising the children properly. She has got to stay close to him geographically, so that he could check on her every day. Which means that she cannot go to another city, she cannot build a new life, she has to be under his eye all the time. This is not having responsibility for the children. I could go on with this type of example, but it is useless.

There are laws of inheritance, too, which are Koranic laws; two women equal one man in many respects. This is also true in giving legal evidence.

The situation of women from 1962 to now has been increasingly bad, getting worse every year, and now it is even legal. So a lot of action will probably be taken in Algeria. It started in 1981, with the first feminist gathering that we have ever had. It was just plain information on the situation of women, on health, education - on three items. And this was already threatened by the rightist forces that are now called fundamentalist, that we call the Muslim Brothers. They threatened us that they would come and throw acid in our faces during this meeting, which fortunately they didn't do, but they were in the room, interrupting all the time. We couldn't rent a public place to hold this meeting, we had to be very tricky. Some of us had to register with a union, and then rent a room through the union. It was very complicated, and we have never been able to do it again. The second gathering of feminists was held within the university, which means it wasn't really public. We have all these difficulties.

What we are planning to do now - it actually started off from sharing some information with Indian women. There are huge minorities of Muslims in India, and they are living under Muslim law, not the Constitution of India. A young woman of 24 years old is presently taking the Indian government to court, saying that the law which is applied to her in her area is in contradiction with the constitution, which is the case in most of the Arab countries. I don't know if she will win or not, but the action is very important. So we are planning to meet with other women living under Muslim law wherever they are, and to have common action, or at least information, about what's going on in our countries.

Thirty thousand abandoned children

Another thing which is very important and which is not talked about up till now is that we have lots and lots of abandoned children. Twenty years ago this didn't exist at all - it's a new phenomenon, which is appearing in all African capitals. I don't know about elsewhere, but I know about Africa - it began about ten or fifteen years ago. Usually, at least in my country, there were very few illegitimate pregnancies. What would happen was that either the mother was killed when she was pregnant, or she was killed after the delivery, and the child too. But on the other hand there was a traditional way of dealing with this: she would be hidden in her family, the males of the family would pretend that they don't notice anything, she would more or less hide, but it was with their tacit consent, somehow. Then she would deliver, and anybody in the family or the vicinity, or a friend, would take the child and that was it.

Well, this could work for, let us say, 100 cases a year, throughout Algeria. It doesn't work now: we have 30.000 abandoned children in Algeria today. And this does not include the babies who die in the first three months. And I have to tell you that in the big city of Algiers, (which has the best health services of the whole country), there is official data from the Minister of Health that 35% to 85% of abandoned children die in the first three months. And this is in Algiers, in the capital. It is a huge percentage. They die of what is called in French 'hospitalisme du nouveau-né',

hospitalisation of the new-born, which is lack of maternal care. Not that they are not fed, not that they don't have blankets or clothes, but they just let themselves die because nobody wants them. So you have to add this number, I don't know what the total for Algeria would be, to the 30.000 abandoned children. And if we want to have an idea of the number of unwed mothers, then we have to add again: those who commit suicide, and it's a huge number of women between 14 and 25 who commit suicide; those who commit infanticide, and they are also numerous; those who have illegal abortions; those who manage to find a family, deliver in secret and give the child away - and all sorts of other cases. So we have to face the fact that we have a lot of unwed mothers.

The position of our government is that it doesn't exist. Which means that these children are now put in a creche until the age of three or four, then in an orphanage. And if you look at these children, I have been into all these places, they are mentally disabled. It is not that they were born like this - it's an acquired mental disability. So it means that they cannot be adopted by anyone later - at the age of four or five, they don't sit, they don't walk, they don't speak.

S: Because they get so little care?

M: Yes. And before 1972, they didn't even have these creches, they were in hospitals, in huge rooms, Nobody was appointed to feed them, so anybody who passed by, either the woman who sweeps the floor, the doctor, the midwife, some patients would try and give some bottles, just at random. And they were put in beds with walls made out of material, so that they couldn't even see anything. They were put in their beds, facing the ceiling. And how could they survive? That is how they got mental disabilities. You could see huge rooms with 200 babies. This is a bit better now in the creches, but still...

No right to adopt

So one of the struggles of Algerian women is to get something like adoption. This Family Code forbids adoption - it is said that it is anti-Koranic. It *isn't*. What is said in the Koran is that if you adopt a child, don't give it your name, for fear of incest, later incest. And don't let the child inherit, because you will hurt your natural children. But apart from these two recommendations nowhere is it said that adoption shouldn't be done. And in actual fact the Prophet himself had adopted children. And in the tradition it was very easy - you would just state in front of two witnesses that "This is my child" and he or she was your child. Not having your name, but who cares? There is a huge difference between this situation and what the State is doing now, a system of fostering under the name of Kafzala, which is to give some of these children to families to look after them. But now we have to go through the State to have the charge of those children and this means that the State, the Minister of Justice, is the legal tutor of these children. And this would never be transferred to the so-called adoptive parents.

S: They would never have any rights over the children?

M: No. Which means that at any point, the state can take the children back. So if you don't 'behave properly', if you are not a 'good citizen', if you have any kind of political activity, this is a continual threat. This is not adoption, not at all, and women are fighting for the rights of these children.

It has been known for some years, since around 1980, that we had all these children, really thrown into the garbage, somehow. Sweden proposed to take all of them, regardless of their disabilities, and just take care of them. Of course Sweden got a very nationalist answer - these children are our

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property. Well fair enough, I am not so much for adoption of Third World children in the First World - but on the condition that *we* take responsibility for our children. If we don't, then we have no rights over them.

It was mentioned in the first feminist gathering, of 1981 that Sweden had offered to take these children, and our women reacted the same way: "These children belong to us, and even if they die here, that's where they should die, instead of living elsewhere". And I heard from an official of the Ministry of Health: "Better be a dead Algerian than a living Swedish citizen". This nationalist reaction has to be denounced now, for it is really too much, what is happening to those children. Especially that now with this new law, we have no more hope for legal adoption. Of course, some families will take some children, but there is no security, not for them or for the children.

This is also something which is in the new Family Code, that it is only this type of Kafala which is allowed, and no adoption. And this is linked, this number of unwed mothers and abandoned children is linked to the policy of the Algerian State about contraception.

Contraception rights and population control in Algeria.

We can examine the two decades since independence separately. In the first decade, because of our so-called socialist and anti-imperialist stand, we were strongly against population control, and it was clearly stated by the second President of Algeria, Boumedienne, when he first opened the national Steel Company, in 1968, that the way to development is not population control, it is industrialisation. Fine, so we had to agree with this, as militants, but at the same time, we were signing our death warrant, as we were not allowed not only practice but even *knowledge* on contraception. We were under the extended French law of the end of the First World War in France, which was a pro-natalist law, from 1920 or something like that. And it was really strongly forbidden to have any access to contraception. So in those ten years, what happened was that women had an enormous amount of children. It was the end of the war, so couples were coming back together, or new couples were formed. It was obviously in the interest of the state to replace all those men who had been killed. After ten years the population growth rate of Algeria was the highest in the world - 3.5%. Because we don't have a high infant mortality rate. It was the highest, with Pakistan and a few other countries. The average number of living children per woman was 7.9. I went through the files of hospitals and clinics, and the number of pregnancies was *normally* about 13, 14. And I quite frequently came across cases of a number of pregnancies close to natural fecundity: nineteen pregnancies.

So this is the situation, with a high instability in marriage, a lot of divorces and repudiations.

S: So women being left with many children?

M: Yes, or not necessarily left, but the children scattered, and it creates a lot of social problems, and psychological problems. These unwed mothers and abandoned children are a consequence of this policy.

Meanwhile in this first decade, the new class was building itself, under the cover of socialist bureaucracy. And now in the second decade they appear as a class, wanting to reproduce themselves as a class, and taking the means to do it. Which implies in the population policy, that they changed completely from this anti-imperialist stand of encouraging population growth to a class approach to the problem. They are threatened as a class, which means they don't want all this lumpen-proletariat to grow

around the cities. Half of the population of Algeria is now under 14 - a huge number of young people who cannot be provided with education. And they will be on the labour market, and have no jobs, of course. And all this is a threat to this new class which I think now could be described as becoming a 'normal bourgeoisie', ie. owning some means of production, which they didn't do previously, because everything was state-owned. But there are more and more private investments in Algeria, and the self-managed sector is narrowing. Even the land, I think, will be given back to private property at some point.

S: Do they let in foreign capital?

M: Not yet. That will be a further step. But the change is very evident, and in population policy, which is where women are very much concerned now, the first step was January 1981, the new law of finance. Up to '81, we were under a type of French law, which meant that as far as taxes are concerned, if you are single you pay more tax than if you are married, and the more children you have, the less tax you pay. From one day to another, this was reversed. Which means that large families are penalised. So now, if you are single you pay less tax, and the more children you have, the more tax you pay.

Before 1972 we had only one clinic providing contraception, and it was an experimental university clinic, so it was not under the law because it was meant for research, at least we said so. We put a lot of energy into having this clinic as a first step, because we felt it was our right to have contraception. But now we are going to be *given* contraception, and in a way which is not at all satisfactory and does not respect women more than they were respected in the previous stage. From '72, the beginning of the second decade, some more clinics were opened, inside the maternal and childcare clinics. Now we have about 500, which is nothing for Algeria, with a population of getting on for 20 million people, with a lot of young people, so it will create a lot of problems. But there are more and more signs that contraception and even abortion is going to be enforced on women, because of this fear of the growing lumpen proletariat. Contraception is already legal, passed in 1978. And we agreed with this, we had to fight to get it, but at the same time we can see that this is done against us. We now have a law allowing 'therapeutic' abortion, which is good too, but again this is the first step, because they are going to have free abortion, which in itself is perfect, except that it is going to be enforced upon poor women. That is extremely clear. I have heard officials speaking openly of their fear of the people, and openly stating that abortion is the best thing - and sterilisation.

S: Does Islam say anything against contraception?

M: Not at all. We even have statements of high authorities, of colleges of doctors of the faith to state that abortion is forbidden, but that contraception is not forbidden. We had this, from the very beginning, during this decade when we couldn't obtain contraception. So you see Islam is used whenever it is suitable, but... when it suits *us*, it is not used.

Where would they get pregnant?

About unwed mothers. They are the product of all this. When I first started to study this I thought that they would probably be young women coming on the labour market, entering the so-called modern sector, but it was not the case. These women are from poor, but very traditional families: they are kept inside the families, and they hardly go out, maybe ten minutes to get bread somewhere, or go to visit the family, and they are closely watched. Of course, they are from the outskirts of the city, because we have a strong immigration from the countryside to the city, everywhere, and no work, so the whole patriarchal family collapses. Fair enough, we are very happy about it. But what happens is that some of the traditions are still

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maintained, but some of the rigid moral behaviour collapses. And this is not necessarily to the advantage of women. We have to face the fact that it must be to a great extent rape and incest, within the family. They can't go out, so where would they get pregnant?

They are mainly two groups: a group between 30 and 40, of divorced women, or widows - I won't talk about them now. But the younger group, from the age of sixteen to 24 - when I talked to the medical doctors in the hospitals of Algiers, something very interesting was said to me. Of course it's not statistical data, but it's interesting anyway - they would say "half of them are virgins, in this group", the young group. And another would say "oh, at least half of them were virgins", and then another still, which means that there is some truth in this. They probably get pregnant after one very incomplete intercourse. This is also confirmed in the fact that some cases were known in the bourgeoisie, of young girls being pregnant and the parents knowing it, and begging the doctors to perform a caesarian on the girl, so that the hymen would still be intact. Which means that they were virgins. It's important, because doctors agreed to do it, and this was only 'for the sake of the girl', so that she can be married afterwards, hiding that she had ever been pregnant. Then she would undertake her so-called first pregnancy, without telling anybody, not even the doctor, that this was happening in a uterus that had been cut. Facing death - instead of social death, physical death. Because being pregnant is social death.

I have heard of many cases in hospitals, of lower class girls who beg until the last minute for a caesarian for this reason. So all this is very complex, but there is a lot to think about, especially about the destruction of the extended family, and what is happening in such cases. The destruction of the authoritarian patriarchal family is *not* necessarily something which benefits women. In that case, it doesn't.

S: If there is nothing better? And the women have no power to create anything better?

M: Not for the time being. A young girl like this could not work. We don't exist outside the family. Even renting a room, for somebody like me, would be quite impossible. Nobody would rent me a room, unless somebody from my family, a male, came and said, "oh yes, we all agree that she should have a flat". And women who are living alone, there are some, are usually from a wealthy family that can afford to back them, in all respects. Especially on the moral side, and the social side.

So these girls usually hide their pregnancies until the last minute, in the family, bandaging themselves. And we usually have long, wide dresses, which are quite comfortable to hide pregnancies under. They would then get help from a woman friend or relative, who would say, "oh, I'll take her to help me at home for three weeks if you don't mind". And then in those three weeks she would be put in hospital, deliver, abandon the child and then come back, and it will be unknown. And that's the only way.

One last point I want to tell you about, about this virginity. It is really social death - you can't get married, you can't tell anyone, if you are no more a virgin. This business of caesarians shows what it means, and I quite understand, as their whole life is affected. We always had special women of the villages, who would sew back a hymen, but the number is increasing, so now we have huge numbers of Algerian women going to France, and maybe to other countries, and they have managed over years to convince left groups to help them. And I am sure it's very complicated for a left Western doctor to accept the idea of sewing back the hymen, because it's outside of what they can understand. And it's something nobody would like to do, but anyway they are doing it, and thanks to them

those women can go back and pretend nothing ever happened. It also means the destruction of the personality of Algerian women, as we really have split personalities, having to do such things. But at least some people in the left in Europe manage to understand that there is no other way, at present.

S: How do you feel about working with women outside Algeria?

M: I personally believe in internationalism, also among women's groups, but I am not representative of the opinion of Algerian women and Third World women in general, because you will usually find a lot of racism amongst us, towards you people. You see, accusing the West, and imperialism, is fine, but I don't see how we can get any solution except by identifying the left forces, however limited their awareness is of our situation, of the evils of international capitalism.

I think we should work with left people and with women, wherever they are. And if we are not satisfied with what they think, we can explain, instead of attacking them, because we don't identify the principal enemy by doing so. We destroy our own possibilities and forces, in the long run. That's why I wanted to talk to you - it took me ten years to decide that I would do it, because I also was nationalist enough to think that I should not speak outside. But I cannot speak *inside*, so what is the effect of my good will on what happens to Algerian women? When we started that campaign outside Algeria to free those three feminists, we did succeed, because I know where the weaknesses of the Algerian regime are: they don't want this to be exposed outside. And when they feel that their nice socialist image is tarnished, they would just find a way. I think on very limited points we can have common actions, for sure. We need a lot of information that you get very easily, and we can't, so we need a lot of cooperation from the West. And I'm sure we can also give a lot of information, not only for our own sake, which is what I'm doing now, so that the regime would be frightened, and wouldn't dare apply this law that they've just passed. And I hope that this type of attempt can help the forces inside Algeria, women's forces, to fight this law.

But on the other hand I'm sure that we can also give information that would be useful to you - I don't think it's a one-way process at all. But believing in this kind of internationalism, acknowledging all the differences of interest and in wealth and class and whatever...this I don't deny, and I think we have to work on it... this is absolutely not typical. I haven't always been like this, either - I have been very blindly nationalist in the past.

Notes:

This interview first appeared in *Trouble and Strife* (n°5, Spring 1985) and was later reproduced by **Women's International Resource Exchange**, N.Y.

Ms Amel Yaker has written a thesis at the University of Algiers on abandoned children, in the hope that the authorities will react - it has not been published. There is also a book on the subject by Boucebi Mahjoud. *Psychiatrie et Société* (SNED, Algiers).

An Algerian writer, Rachid Boudjedra, published a book where he described the situation of the child of a repudiated mother. It came out in French a few years ago, called *Repudiation*, (Paris).

Postscript: November 1986

Two-and-a-half years after giving this interview, there is both little to add and a good deal to comment upon: little to add about the situation within Algeria, but a lot to say about the development of women's organisations and about my own position on 'blind nationalism', internationalism and

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exchange between so-called North-South.

The situation of women in Algeria is no different insofar as the Family Code is now enforced with few modifications from the outline I was commenting on in 1984. The right to work no longer has to be submitted to the authorisation of fathers, husbands, elder sons or any other male tutor; otherwise the text remains unchanged.

Nevertheless, talking with women from other countries, I have come to realise that the Code itself is open to misinterpretation by foreigners: for instance, it recommends that a bride consent to her marriage. This shouldn't be read too quickly, the next paragraph informing us that her consent may be expressed by 'any sign'. So many young brides weep at their wedding, this could easily be interpreted as an indication of joy or emotion rather than the poignant anguish or terror which it so often is. In addition, she doesn't even have to sign the marriage contract, so the 'signs' of her consent can be interpreted by the male tutor at home.

The Family Code is written in a style similar to that of sacred texts (from the Koran to the Bible) in that one can find many contradictions from one paragraph to another. This means that each and every so-called protection or right given to women can be challenged using another paragraph of the law. Similarly, each and every limitation restricting male supremacy is later given back to men: polygamy and repudiation are finally left to a man's 'true' application of the moral prescriptions of religion; he just has to be a good Muslim and, as such, won't misuse sacred or legal texts in order to unfairly treat the women under his control.

Obviously, social behaviour in any country is not only determined by laws, but when new laws come to restrict the rights of citizens, calling on traditions and culture to justify the inequality they promote, we can certainly say that it is a sign of times; more so, when one becomes aware of the fact that in several Muslim countries, new "family codes" have recently been passed, which ALL restrict, at different levels and degrees, the rights of women; when one learns that Ministers of Justice of the Arab countries meet regularly to unify such Codes on Personal Status, led by the most reactionary factions, and that Ministers of Justice of Muslim countries in South Asia also meet to unify Codes on Personal Status, one has to face the fact that justice for women is threatened all over the Muslim world.

This comes at a time when fundamentalists are taking over in all the major religions, including Islam, and in an international situation where Islamic countries are generally accused of many evils, from promoting terrorism to preparing the Third World War. This interpretation leaves no room for differentiating between the suffering people and the governments which oppress and mystify them. In fact, racism and anti-Islamism give ground to the rightists, and sometimes fascist governments which unfortunately lead Muslim countries to mobilize the people against external enemies, and get rid of their internal popular opposition. (It evidently also helps the governments of the non-islamic countries to build their own internal rightist forces mobilised around racist slogans, but this is not what we are supposed to discuss here.)

By the same logic, women are caught between two legitimacies: their belonging to their people and their loyalty to their female oppressed group.

We are made to feel that protesting in the name of women's interests and rights is not to be done now (it is never, has never been the right moment: not during the liberation struggle against colonialism, because all forces should be mobilised against the principal enemy: French colonialism; not after independence, because all forces should be mobilised to build up the

devastated country; not now that racist imperialist Western governments are attacking Islam and the Third World, etc...). Defending women's rights "now" (this "now" being ANY historical moment), is always a betrayal - of the people, of the nation, of the revolution, of Islam, of national identity, of cultural roots, of the Third World... according to the terminologies in use, hic and hunc.

This narrow approach towards nationalism is very effective: the women's movement in our countries is not strong enough, numerically speaking, and therefore ideologically and theoretically too, to challenge an interpretation which so suits the dominant males, including those of the left, who are the first ones to accuse us of betrayal, of "imported ideologies", of "Westernism" - using the very same terminology which our governments use against the left at large.

It is thus very hard to persist in total isolation in denouncing the stepping back of most our regimes on the women's question and to go on organising the struggle.

My deepest admiration and regard goes to those of us who stubbornly trace their way into this ideological jungle, to promote the cause of women.

Not only are we prevented to speak for women, but also to think, and even to dream about a different fate. Yes we are deprived of our dreams, because we are made to believe that leading the life we lead is the only way to be a good Muslim, a good Algerian, a good Pakistani, or a good Sudanese; we are not even aware of the differences which exist from one Muslim country to another, of situations which may be more favourable to women than others, of the intricacies of culture, traditions and religion. Let women from Muslim countries out of their national ghettos, let them see that infibulation practiced in Africa is unthinkable in Asia, that the veil worn in Arab countries is not there in Africa, that none of these practices rely on religious principles, but that religion everywhere backs such practices whenever they allow more control over women.

Although in most cases we cannot organise inside our own countries, nor even speak without facing heavy repression, we are also made to feel that we should not speak outside, that we should hide, in the name of national loyalty, what crimes are committed against women and against other oppressed factions of the people. We are thus made to identify with "the nation", "the people", conceptualised as an atomised and undifferentiated mass, without conflicting interests, without classes, and without history - in fact legitimate representatives of "the people".

Unfortunately there are all too many examples of such attitudes in women's groups in our countries.

I recently heard in Pakistan, comments on exiled Iranian women who, their detractors said, should not denounce in the West the fate of women in Iran, because this is used by rightist forces in the West against Islam, and against the image of the Iranian people. This leaves the question open: is the Iranian people in power? Or oppressed? Were the Germans denouncing Hitler during the Second World War anti-Germans or anti-Nazis? In India, at present, using the riots and massacres led by Hindu fundamentalists against the Muslim community, Muslim fundamentalists have succeeded in persuading Muslim women activists to stop their campaign against the Muslim Personal Law, for fear of such protest being used against their own community, therefore adding to the discrimination already suffered under the dominant Hindus. Remember how long it took for communists from Eastern Europe to become "dissidents" and speak out about the crimes of Stalin, and the evils of supposedly communist countries.

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What have they betrayed, apart from their exploiters?

In Algeria, many of us, including myself, kept silent for ten years after independence, not to give fuel to the enemies of the glorious Algerian revolution; by so doing we have merely given those in power time to organise and strengthen, allowing them, amongst other things, to prepare and enforce discriminatory laws on women.

The last sentence of my interview of '84 ends with this confession: "I have been blindly nationalist in the past". I will certainly admit that Western right forces may and will use our protests, especially if they remain isolated. But it is as true to say that our own rightist forces exploit our silence. Therefore I believe the question is irrelevant.

We have everything to gain in being truly internationalist; in exchanging all useful information, and solidarity and support. In this way, it will become more and more difficult to exploit our protests in a way which does not suit our purposes. This is the dream which lies behind the network 'Women Living under Muslim Laws'.

Women and women's groups from 17 countries now write to each other, ask for documentation, compare so-called Muslim laws in different countries, send appeals for solidarity, inform others on their strategies in very practical terms such as writing marriage contracts which give the maximum space to women, build documentation for local groups, etc...

This is only a beginning. Through the network we have been able to find out about plans to unify Codes of Personal Status, both in the Arab Countries, and in the South of Asia. We start knowing about how young fundamentalists are trained, and where, and who is funding them; and we learn about progressive interpretations of Islam, from the times of the Prophet till recently, and about the fate suffered by some of the courageous men and women who have spoken in favour of an equalitarian interpretation of the religion. We realise that in most of our countries there is no room for agnosticism or atheism; that religion is forced down our throats, because there is a constant ideological confusion between religion, culture and nationality; and that we should work towards a clearcut identification of these concepts and a separation between religion and the State.

We are in debt to the early Western internationalist feminists who, 20 years ago, started inviting women from the so-called Third World to international feminist gatherings, granting some of us the privilege to not only be in contact with feminists from all over the Western world, but also to meet other Third World women. It is through international meetings that we came to know each other and later found associations at regional or continental level.

Much later, it is also through international feminist gatherings, like the 4th International Tribunal on Reproductive Rights where the first Action Committee, Women Living Under Muslim Laws was founded, that women from Muslim countries came to know each other.

In spite of all the difficulties which have emerged during international feminist gatherings, between women from the West and women from the Third World, we have largely benefited from these opportunities. Western feminists often have supported us in the past, and we have been accused in our own countries, of being brain washed by "foreign ideologies", as if our reality was not enough of a reason to protest.

Now that we start supporting each other from within the Third World, within the Muslim world, etc... it becomes more and more difficult to limit our action to an imitation of the West. The support of women from the

West has less and less heavy consequences. Speaking out against discriminatory situations in Algeria or crimes against women in Iran can less and less be used by reactionary forces outside our countries, because support comes from both within and outside.

Inside our countries and even within the women's groups, we leave less and less ground to nationalist justifications for silence.

Moreover, I mentioned in this interview of '84, that this may not be a one way process (Western feminists supporting us), that exchange may not necessarily be "North-South", as "they" would say. We have a very good example of this. In the network, we are presently supporting a group which calls itself "the five mothers from Algiers", 5 French women whose children were taken away by their Algerian fathers after divorce.

We have a long experience of such situations, since they are most common in all Muslim countries: fathers used their unchallenged customary rights of ownership upon the children, reinforced by modern laws, to deprive the children of all contacts with their mother or maternal family, regardless of the damage caused. The situation of these 5 mothers, is not any different from the one of millions of women under Muslim laws.

For the first time, European women will be supported in their struggle against unjust laws by women from Muslim countries who suffer under the same laws and traditions.

Their fight is ours; in many of our countries women try and organise against the consequences of discrimination in questions of marriage, divorce, custody, maintenance...

It goes without saying that there are still nationalist reactions amongst some women's groups who fear that, once more, the protest would be used against Algeria and Islamic countries at large. For fear that the case will be presented as French women fighting Arab barbarism. What is barbaric is (without taking any position on whom, from the father or the mother should have custody) to deprive so totally any child from its mother or any mother from her child, whatever her and its nationality, race, colour, or religion.

The more support such a case receives both from Western women and from women from Muslim contexts, the clearer it will be. We will not support injustice and discrimination in the name of national identity.

It is in our very interest that internationalism should prevail over nationalism, and that we should link such struggles from one country to the other. For reasons of ethics, as well as from the point of view of efficiency, in the hope that more of such struggles will start and be backed nationally, regionally and internationally.

Impact of Fanatic Religious Thought: A Story of a Young Egyptian Moslem Woman

by Nawal El Saadawi

An Egyptian man had been very strict with his daughter, only permitting her to work outside the home on condition that she be completely isolated from men. She found that 'ideal' job. Many months later, in the spring of 1988, this same man brought his daughter to the office of Nawaal Al Saadawi to see her in her capacity as a psychiatrist. The following is based on the young woman's true story. Egyptian Television wanted to produce a film based on this story - on condition that the protagonist not be a veiled woman, as she was in real life.

A Case of a Young Woman

(1988) Nawal El Saadawi

A few days ago a young woman came to me. She told me her story and asked me to write a prescription. I didn't prescribe any medication. I don't believe that pills can cure this young woman. The problem seems to be a psychological and social problem. This is why I would like the readers to share their opinions with me on this case. The story of the young woman follows.

Since last year she has begun staring into space at night without sleeping. When she falls off to sleep she see a flood inundating the land and the Prophet Noah embarking on his ship and leaving her behind. She finds herself in life after death walking on a narrow path with the inferno lying below her. Her feet are bleeding and her body, off balance, is about to fall. She opens her eyes and finds herself asleep in bed under the blankets drowning in her own sweat. She reads the opening sura of the Koran and thanks God that she hasn't died yet and has a chance to repent. She goes to the bathroom and washes five times. She dresses herself in a long loose robe and wraps her head with a thick cloth. After she prays she sits with God's book in her lap, reading and asking God's for forgiveness for her grave sin. There is nothing in her life except that sin. Since she was born she has gone to bed hearing the voice of her father reciting the Koran. Since infancy her face has not been seen by a stranger. During her student years she never talked to anyone. After graduation she went to work in a place where there was no one other than herself - a storeroom in the basement of a small museum never visited by anyone. She would sit at her desk with a register in front of her recording the number of mummies that came in to be stored or registering the ones already there. She dusts the mummies with a small yellow cloth. She counts them and records them in

the register. She closes the register and puts it in a drawer. Then she opens up God's book and reads until the time the employees leave work.

Carrying her handbag she walks an hour and a half to her home. She covers the distance with a steady, controlled pace, no movement of her body discernable under her thick robe. Her head, wrapped in black cloth, is inclined towards the ground. In the heat and cold she walks the distance twice a day, back and forth. She doesn't ride the bus so that no one will brush against her from behind. She doesn't take a taxi alone with an unknown driver. At home she washes off the dust from the road, performing her ablutions and praying before she eats. After she eats she goes to sleep with God's book under her pillow. She wakes up at the sound of her father's voice calling her to fix his food. After he eats he prays and asks God to protect his daughter from the devil. If it weren't for the forty-seven pounds every month he wouldn't have let her leave the house. He's an old man without an income and she has no husband to support her. Nobody approached her for marriage except the son of his sister who is penniless and unemployed. If God had sent her a husband in sound financial condition she wouldn't have left the house.

In her room she moves up and down in prayer. She does not ask God to send her a husband. She has dismissed the idea of marriage since childhood. Her mother died haemorrhaging when her husband hit her after she had gone to bed. Death is inevitable but she wants to die in a different way, not by being beaten. There is no man in her life. She doesn't know anything about the other sex. If she hears the sound of music or singing coming from the neighbours she plugs her ears with her fingers and shuts the windows and doors tight.

One day last April she was sitting as usual at her desk. She had finished counting the mummies and statues when she discovered a statue that was not there the day before. She looked back over the entries in the register, closed it and put it back in the drawer. She opened God's book and started to read without a sound, her head bowed. While she was reading her eyes peered through the two narrow holes of the black cloth and moved around the mummies and statues. They became fixed on the face of the statue. The features were carved in a strange way. The strangest of all were the eyes. They were looking at her with a movement in the pupils that she had never seen before in any other statue. She asked God's forgiveness. She asked God to protect her from the devil. She bowed her head to continue, but her eyes moved involuntarily towards the statue smaller than the other statues. The dust covered it as if it had been neglected for years in the storeroom. She removed the dust from the statue, putting it near the window. She returned to reading God's book but her eyes peered through the two small holes, attracted by the face of the statue and its eyes with their strange movement. The eyes were slanted slightly upwards like ancient Egyptian's eyes. She held the statue in her hand covered with a black glove and started looking for a symbol or letters that might reveal the name of the person or the time he lived. There was nothing. She put the statue back and returned to her seat behind the desk. Her eyes settled on the lines in God's book. But the question turned around in her head. Had anybody else before her seen this movement in the eyes of the statue?

No other person worked in the museum except the old woman who was the manager. She would come down to her from time to time inspecting the entries in the inventory and passing her eyes over the statues one after the other; she might stop at one that would draw her attention. That day the manager's eyes passed over the small statue without being attracted by anything. She was puzzled. Why hadn't the manager seen the movement in the eyes of the statue that she saw? The same question nagged her every day. As soon as she enters the office and sits down her eyes settle on the

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face of the statue. The movement in his eyes is still there. Now it becomes a movement especially for her. He doesn't look anywhere with these eyes except at her. Since she saw it for the first time she never stops looking at it. If she turns her head away or leaves the office his eyes are always in front of her, continually looking at her with the same expression, as if he were alive now, not seven thousand years ago. In his gaze there is no arrogance of the Pharaoh gods nor humility of the slaves. What is in it? She doesn't know. Every day she's overcome by her desire to know. This grows, day after day, into a sinful desire. Whenever she sits at her desk she looks around her, afraid that the manager might suddenly appear and catch her while she is looking in his eyes. The thing she fears most is that an order will be issued to transfer him to another storeroom. When she goes to bed she is unable to sleep. What happens if she returns to her office in the morning and doesn't see him? Since finding him she starts to walk to her office with a faster pace and when she opens the door and enters her eyes peer through the two holes, looking for his face among the faces of the other statues. When she sees the movement in his eyes her closed lips part with a faint sigh underneath the black cloth.

One day she entered her office and she didn't find him. She searched all over the storeroom but he wasn't there. She looked in every corner, below the legs of the large statues, over the floor where hundreds of small statues were lying. He wasn't there. She returned to her desk to sit down. She couldn't write anything in the register and she couldn't read a single line in God's book. Her head is bent and her heart is heavy. Where did he go? His place next to the window is vacant. The whole universe is empty. There is nothing in her whole life. Nothing at all. Her hand under the black glove is cold and the blood in her veins stops moving. All around her she sees nothing but death in the shape of stone statues. Sitting at her desk she herself is also dying at the same time.

She lifted her eyes with an abrupt movement, the same way air rushes out of the chest before the last breath, and saw him hiding behind the window-pane. The manager wouldn't have understood what happened if she had appeared at this moment. Her outside appearance was the same. She is sitting in her chair behind her desk with the register in front of her. Her head is bent and nothing in her moves except the black pupils through the two holes and the rushing movement of hot blood in the veins under her skin.

Before leaving that day she hid him in her handbag to take him home with her. In the morning she brought him back to his place. The manager did not notice his absence and reappearance. At home her father didn't notice that he was inside her wardrobe. At night, after her father sleeps, she takes him out of the wardrobe and places him in front of her and doesn't stop looking at his face. She sleeps with her eyes fixed on his eyes. In her dreams she sees him standing while a flood inundates the earth. She sees him standing in front of her in flesh and blood. And the flood inundating the land and the Prophet Noah climbing into his ark and leaving without him. Could it be that he is the son of the Prophet Noah who did not get into the ark and was drowned? Could it be that he is a sinner who followed the devil and not a believer who followed God? And more important, is it possible for him to come back alive after dying seven thousand years ago? In the morning when she opens her eyes, the question spins in her head. She walks down the street to her office, her head bent, afraid to raise her eyes. Afraid she will see him in front of her in flesh and blood, the same way she saw him in her dream. Through the two small holes in the black cloth her eyes start to move, to rise slowly, glancing cautiously in the faces of the passersby. Perhaps, among these human beings there is a face that resembles his? Or eyes with the same look?

Two months pass and she does not stop thinking. Her eyes do not stop

stealing looks at the faces of people on the street as she moves back and forth between her home and office. Sixty days pass and among the faces she doesn't see a single one that looks like his, nor among the eyes any that have his look.

She sleeps restlessly at night and while she sleeps the dream recurs. She sees the earth inundated in a sea of water and herself standing at the entrance of the city and suddenly she sees him in front of her. Now he does not notice her presence. He walks calmly forward, then turns around and looks at her. In his eyes is the same look which never changes. The water covers him from all sides. He keeps looking at her until he disappears under the water. His eyes are the last to disappear.

In the morning she opens her eyes, the roaring of the water still in her ears. The voices screaming for help are drowned by the sound of the crashing waters. In the moment between wakefulness and sleep the dream appears as the destruction of her town seven thousand years ago which she has seen with her own eyes. He was drowned seven thousand years ago among those God took in the flood. She continues lying on her bed. It is late for getting to the office. She rises up with a heavy body and in the mirror sees her eyes red and full of tears. With a touch of her finger she recognises real tears. She knows she was weeping over his drowning. What made her weep most was that he was not a follower of God.

She recognizes clearly that he was a follower of the devil. No matter, tears continue to gush from her eyes as she stands in front of the mirror. It seems as if he died at that very moment, not seven thousand years ago.

On her way to the office that morning as she stopped at an intersection, she lifted her eyes to look at the traffic light when suddenly she saw him among the people crossing the street. She recognized him immediately. The face was his face - the ancient Egyptian features. The eyes were his eyes. In them there is the same movement and look. Involuntarily her body lunged towards him. She was about to grab him by the hand but she stopped at the last moment. Her closed lips parted from under the black cloth crying, "You?!"

The street was crowded with people rushing along. They stopped amazed at the scene. They saw her rushing towards him and him fleeing from her. She, a young woman, and he, a young man, walking in the street. It isn't normal for a young woman to rush towards a man that she doesn't know in that way. And she was not just any young woman. She was a creature from whose being nothing appears except two small holes in a black cloth. She was rushing towards him and he was escaping from her with fast steps. The scene appeared to the onlookers as both strange and amusing.

Their laughter rang in her ears and she shrank under her thick clothing. She continued to shrink all day long sitting at her desk, the register in front of her. His face is the same face and his eyes have the same movement and a look more human than the look in the eyes of the people in the street, even though he died seven thousand years ago with those who drowned in the flood. She wept for his death. Every human being dies but the stone statue has lived for seven thousand years. Is the stone more permanent than humans?

The question turns around in her head without an answer. Now she has a friend made of stone. She feels his presence more than the presence of any other human being with a body. The word -body- escaped from between her closed lips without a sound. The word in itself produces a shiver in her own body. She doesn't know exactly where the shiver is. Through the two holes from under the thick cloth her eyes steal a look at her body. In her chest there is a heart that beats. In her head there are veins through which

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blood flows hot as air. Her mind understands that her friend is nothing but a statue of stone. But she sees in his eyes the look of one about to speak. Is it possible he will speak? And in what language? In Arabic or ancient Egyptian? Is it fantasy or reality? And if it is fantasy where does it come from? Does her imagination mix with the blood in her veins and head? The question turns in her head with the movement of blood like a whirlpool in the sea. And the water drowns her like a flood and he is standing in front of her and in his eyes there is a human look. Deep inside herself she is sure he is a human being - more human than all the people in the universe. He cannot be an evil person. She can swear in full consciousness that he is follower of God and not of the devil.

She was fully conscious. If anyone saw her they would have doubt about this. Her father sees her the same way he sees her every day, full of modesty, totally covered, going to her office and returning home on time. The director of the museum sees her sitting conscientiously with either the register in front of her or the book of God. On the road she walks with a measured step with her head lowered.

One day while she was walking she turned her eyes through the two holes and saw him, stepping out of a door of a house and crossing the street with calm steps, mindless of the screaming horns. She saw him. The same person. She could not mistake him after all these days. Her feet were nailed to the ground. Her hand inside the black glove was raised over her heart. He was standing in the middle of the street. Around him the cars were rushing like the flood. She thought he would fall and be drowned among the wheels but he did not fall. He continued walking at his calm pace towards Nile Street. Her body rushed after him. She recognises that he is a phantom and not a reality. But she sees him with her eyes. As long as she sees him with her eyes she doesn't care whether he is phantom or reality. Her feet walk behind him. In her ears she hears the sound of his shoes on the pavement. He's only a few steps ahead of her. If she speaks to him it's possible he'll hear her. She doesn't know what to call him. He doesn't have a name.

Her sealed lips under the thick cloth parted with a sound: "You." She saw him turn around and look at her face to face. She recognized that it was him. The eyes were his eyes and the expression his expression. She heard him say, "Who are you?" His surprise silenced her. She stood nailed to the street. He was speaking in Arabic not ancient Egyptian. She thought he knew her as she knew him. How is it that she has known him all this time and he asks, "Who are you?" She stood looking at him without moving. Then she directed her eyes towards the ground. Her head remained lowered for a long time as she shrunk in shame inside herself. After all this he asks her who she is. Her mind did not believe it. She lifted her eyes once more to be sure what was happening, but he had turned around and gone his own way, disappearing among the people.

The second day on the way to her office her head was lowered as usual, but her eyes were moving like two bees inside the two holes, looking at the faces of the people. Her mind says to her that he is no longer living, that he lived seven thousand years ago, but her eyes never stop searching. Her mind tells her he exists. She has seen him. As long as he exists she can see him again. She is overtaken by the wish to see him in any shape. Let him be made of flesh and blood or of spirit without body. What's important is that she sees him. What's the difference if he is a spirit or a body, as long as she is able to see him?

She waited in the same place where she had met him yesterday. When he appeared in the street, she lunged towards him with her body. It was him, with his face and eyes and human expression. Nothing had changed except

for a black moustache that had grown over his upper lip. Her closed lips parted underneath the thick cloth, emitting a word without a sound, "Male!" Not in her whole life had she uttered that word. She had thought he was simply a human being without sex, but this moustache means that he is... Her feet remained nailed to the ground, her hand inside the black glove raised up to cover the two small holes in the thick cloth.

When she lifted her hand from her eyes the street was still crowded with people and he was no longer standing in front of her. She was still standing there modestly. Under her shoulder, in the cavity between her arm and chest, was her leather handbag. It protruded through the thick cloth next to her left breast. She feels the touch as if it were electricity. Her mind recognises that it is only a leather handbag with nothing inside it except her purse and the small statue of stone. But the touch continues to run from her left breast like electricity.

She went home that day without her handbag. Without opening it, she threw it in a large dump. She didn't take anything from it. She even left her purse inside. She imagined that if she opened it she would see him. She had become afraid of seeing him. She didn't know why she was afraid. But she started to shake with fear. The fear accompanied her all the way home. She lay down on her bed. She realized that the handbag was no longer with her. She thought that the fear would leave her but it didn't. On the second day the fear continued to accompany her in the street, in the office, in the house, everywhere. It accompanied her like the trembling of a feverish person. One night her father heard her moaning in a low voice. Her body shook with the trembling like a person racked with malaria. Her father took her to the doctor. She took medicine for thirty days but the fever remained. At night her father heard her speaking to somebody as she said her prayers. He thought she was speaking to God, asking him forgiveness. But her voice became louder and her words became clearer. She was not talking to God. She was cursing the devil in words that could never come from the lips of a pure young woman. He believed that she had committed a sin that she was keeping to herself, not daring to reveal to anyone. He took her to a holy man people repent to of their sins. But after her repentance her fever continued. And once more the pills the doctor prescribed failed. When the director of the museum visited her she said she was not suffering from malaria but from a psychological condition. That's how she came to me.

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Women, Religion and Social Change in Pakistan:

A Proposed Framework for Research - Draft

An International Centre for Ethnic Studies
Project (1988-89)

Farida Shaheed

The research project on Women, Religion and Social Change in Pakistan, India and Sri-Lanka currently being undertaken by ICES provides a unique opportunity to explore the cross-cultural dimensions of continuing tradition and the process of change as these relate to women and in this the role of religion. A grey area of uncertainty, prejudice, and very little research, the role of religion in determining the possible for individual actors, particularly women, has rarely received the attention it deserves. Religion has normally been ignored by development planners and those concerned with women's development as a personal matter beyond planning, and its rituals beliefs and superstitions have often been dismissed as anachronisms that "would disappear with modernization and science."

Especially in ex-colonial states, religiously defined or religiously coloured practices and beliefs are an everyday reality for most people and are not viewed as anachronistic. Together, they provide an essential world view and a reference for self-identity that is underscored by the experience of colonization and subsequent post-independence developments. Nor should it be presumed that religion is unidimensional or fixed in time. Most religions are divided into sub-sects.

Within one sub-group religious attitudes and practices vary with ethnic and class identity, and with time, these undergo changes. Any one of these factors may impede or facilitate positive changes for women.

Some Conceptual Issues :

To examine the dynamism between religious continuity and social change thus requires some clarity about the factors under consideration. In our view, social change is the concrete expression of people's adaptation to structural and material changes in the means, organization and relations of production. Adaptation to structural/material changes is filtered through people's world view in which religion plays a greater or lesser role depending on past history and social grouping. At the same time the 'world view filter' is neither static nor monolithic, but varies with time and social group-

ing.

Once social changes have taken place, these have a momentum of their own. In turn, these influence structural organisation and material conditions, necessitating further social changes, re-filtered through the world view. In responding to structural or social changes, the worldview itself undergoes modifications. In fact it is the ability of religions to continuously re-interpret traditions in the light of altered circumstances that allows religious continuity.

Equally important is the need to recognize that religion operates at different levels and, for analytical purposes, to distinguish between religion as faith, as an embodiment of social customs, as a mobilizing force in the political arena and, linked to all of these, religion as a means of self-identity and identification of one's environment. In this, we would posit that religion as faith undergoes the least changes but, insofar as it provides its adherents with a means of self-identity, is a starting point. This identity takes on material shape as a body of beliefs and behavioural patterns that order community life.

In translating identity into tangible norms and customs, factors other than faith intervene. Pre-existing social structures and power relations play a major role in determining social customs and religious practices. Consequently, social customs having nothing to do with a given religion and possibly in contradiction with the religious scripture are practiced by communities as supposedly religious norms. (As for instance the practise of dowry amongst Muslims in Pakistan or their refusal to grant females their due inheritance.) Religion as an ideology is normally used to legitimize existing structures and relations but can also be used to challenge these. In the first instance, religion will be used by ruling elites, in the second by emerging political groups or movements.*

*(See Tiger and Levy: 77)

(Iran is the most striking example of the second instance.) Clearly then, religion does not always fulfill the same needs of different social classes/groups, and, in looking at women, religion, and social change, class identities will have to be kept in focus.

In the context of South Asia, such differences have been underscored by the experience of colonization. Speaking of the Muslim world, Kandiyoti says: "(Religion) provides believers with a consistent vantage point from which to view and interpret the world - a vantage point which may at times be successfully appropriated as their own by social forces intent on control of the state and radical change... It is easily possible to demonstrate that Islam has taken on the attributes of a 'defensive' ideology, an ideology of cultural reproduction under conditions of real or perceived threat. The failure of most Muslim states to generate ideologies capable of realistically coping with social change and their histories of colonization, or at least dependence vis-a-vis the West has meant that they relied on Islam not only as the only coherent ideologies at their disposal but also as a symbol of their cultural identity and integrity. This has had extremely serious repercussions for women... (Since) the control of women became the last bastion of cultural identity to be tenaciously defended." 'pp 3-4).

Kandiyoti raises a number of important points. To begin with, the procedure of adapting to social change delineated above allows men to adapt to changed circumstances while maintaining some social and psychological continuity by making the private sphere of life and women the repositories of cultural identity. The same process that facilitates change for men thus imposes artificial restrictions on women. The more pressing and rapid the changes taking place, the greater will be the desire to maintain stability in

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the home. (As a rider we would add that the increasing loss of control in the outside world reinforces this tendency. See Mumtaz and Shaheed - 88).

Further, she underlines the fact that the beneficiaries and losers of the changing socio-economic orders do not necessarily share the same world view. Religion provides a useful vehicle through which the losers can express their alienation and antagonism vis-a-vis the ruling elites who, in ex-colonial states, are condemned not for being exploiters but for being Westernized. Alternatively, religion can be the vehicle adopted by an emerging class that, having gained economic status, is making a bid for political power. The shifting patterns of political development therefore cannot be ignored. For instance, if pre-independence India saw the emergence of a traditionalist movement among the Muslim in the North, the movement found material support from Muslim weavers who were the worst hit by the colonial policies promoting British textile mills. (Alavi :87) Having achieved independence, there has been little scope for traditionalists in Pakistan, and they have now given way to the emerging “fundamentalists”, who can more appropriately be called obscurantists and who are more notable for their opportunistic manoeuvring than an unrelenting stand on fundamental principles. Although the most consistent stand of fundamentalist men is their position on women, even this has been modified in response to political exigencies.

Kandiyoti provides yet another pointer, which is that the same political process affects religious communities differently. If Islam is characterized by its “defensiveness” then, conversely, during the colonial period Christianity was far from defensive. The linkage to colonial power facilitated the acceptance of British norms and customs amongst the Christian community and allowed Christian women to participate in social changes such as education and employment to a greater extent and faster than either Hindus or Muslims. After the departure of the British at independence, and in a predominantly Muslim Pakistan, Christianity is far more defensive. Its adherents are now assuming norms and customs that are rooted not in Christianity but in the South Asian Muslim environment in which they have to operate. The specificity of religious communities is also highlighted by the position of the Parsees in Pakistan.

The community arrived in India on the condition that its members would not undertake any conversions. Having kept this promise, the Parsees enjoy a unique position. A well-educated and economically affluent community, the Parsees are not associated with colonial power nor are they large enough to pose a serious political/economic threat. And, it should be added, they have always maintained a low political profile. The very distinctiveness of the Parsee community, combined with the visible profile of Parsee women in “modern” occupations, makes them an interesting case-study for Pakistan.

With respect to the Muslim majority (90-95%) it is clear that, on the whole, smaller changes have been allowed in order to maintain more basic institutions. This is most obvious in the case of allopathic medicine and education on the one hand, and the institution of *purdah* on the other. As an essential pillar of the Muslim patriarchal system in South Asia, *purdah* had to be maintained. (See Shaheed: 85 &88). However, once ‘modern’ education and allopathic medicine were accepted by Muslim Indians, they faced a dilemma. Without allowing women access to medical and other education, the benefits of these could only be made available to Muslim women through the intermediary of men. To rectify this situation, *purdah* schools and hospitals were created giving an impetus to female employment, firstly of non-Muslim and later of Muslim women. As a result, women in India became doctors and gained positions of eminence in education at a time when this was still rare elsewhere. As Woodsmall noted, it

seemed as if “the very lack of social equality in the East thus has been the major factor in promoting professional equality” (Woodsmall: 83,p.244). An unplanned consequence was that the acceptance of women’s employment as doctors and in education paved the way for women entering other professions.

On a different plane, a similar pattern is visible. Inspired by other communities, Muslim Indians slowly started mobilizing Muslim women in the nationalist struggles. Though mobilization was not intended to promote female emancipation as such, the fact that women left their homes, addressed meetings and carried out political and social work did break the taboos constraining “respectable” Muslim women (i.e. the non-working class minority) to remain strictly within the confines of the household’s *zenana* section. The legitimation of this type of work later facilitated women leaving their homes for other purposes. Here we would like to emphasise that the cultural norms followed and aspired to by a community in general are usually dictated or guided by those practiced by the dominant classes. Yet, paradoxically, because society is constantly in a state of flux, there are situations where upwardly mobile classes are adopting various customs at the very time that the upper classes are discarding them. Specifically in the case of Pakistan one can see this happening with *purdah*-norms. Today, the all-encompassing *burqa* has virtually disappeared amongst the urban upper class in Punjab and in Karachi, yet this is now being adopted by the newly upwardly mobile middle class.

The adoption of the *burqa* may be for two reasons: either as an easily recognizable status symbol that distinguishes the wearers from the poorer classes they have left, or because it is the only condition under which these women can leave their homes. Both reasons are important and though they may act in concert have different implications. The *burqa* itself is a relatively new innovation of the 19th century, which allowed women of the affluent classes to break the isolation of strict home confinement. The association with the upper classes gave the *burqa* its social prestige. Over time, with the acceptance of women’s expanded space, the need for this “portable seclusion” amongst urban affluent families may have disappeared. But it is possible that for other women, access to education and employment may be only, or more easily, available if they wear a heavy veil. The question that needs to be answered is whether the adoption of a physical veil enhances or reduces the scope for social change for women and the circumstances leading to one or the other.

In her new introduction to *Beyond the Veil*, Mernissi makes a very revealing statement (Mernissi: 87). She says that one has to differentiate between what people do (reality) from what they say (how they identify themselves). In Pakistan, the dissonance between action and verbalization is clearly demonstrated in the case of the “fundamentalists”, particularly the women. While calling for strict gender segregation, fundamentalist women have steadily moved away from supporting female seclusion. In the last ten years the fundamentalist call for women to stay in the home except for emergencies has given way to demanding segregated work places to allow millions of women to get employment in ‘Islamic’ conditions. This radical change has taken place so gradually that it has been completely over-looked until now. (Mumtaz and Shaheed: 88).

This supports the contention that fundamentalism is a dynamic force and that the rise of such movements is related to the bewildering pace of change being experienced in today’s countries of the South. In the absence of any other ideology that would enable people most affected to deal with such changes and their histories of colonization, religion is used to fill the vacuum. This has also been recorded in the Malaysian context by Zainah Awar, in a study on Islamic revivalism amongst students. (Anwar:87).

Pakistan

In the case of Pakistan, the rise of fundamentalism cannot be isolated from the role of Zia's government over the past decade. There is no doubt that his well-orchestrated and widely publicized campaigns for the "Islamization" of society have given a new, and unprecedented, impetus to the fundamentalist/obscurantist lobbies. If Zia used Islam as an obvious ploy to legitimize his illegal seizure of power and subsequent self-perpetuation at the head of an authoritarian and undemocratic rule, it is equally true that, backed by the entire state apparatus, his decade-long Islamization has given credibility to the fundamentalists' argument and promoted their cause in a country where they have never enjoyed popular support (as seen from the consistently poor results of religiously defined political parties in any type of election). The position taken by those holding state power also influences the role religion as culture plays at any given time - though religion as culture exists independently of the state machinery allowing for its political use - underlining the political use of religion.

For Pakistan, the question of religious identity is perhaps more easily used for political purposes than elsewhere because it is one of only two countries to have achieved statehood on the basis of this single identity. Unfortunately, in the intervening years Pakistan has failed to develop a national identity uniting the smaller nationalities it comprises and remains a state-nation. (see Rashid: 85 and Shaheed: 87). After independence:

"In jockeying for power, the political elites, of whom the fundamentalists were never a part, used the latter's views to bolster their own relative positions, and in the bargain gave currency to fundamentalist arguments. The most important casualty of this internal tussle for power and the manipulations it entailed was the democratic process and, consequently, the chances of evolving a Pakistani national identity." (Mumtaz and Shaheed 1988: p.5)

As a result, ethnic identities have become increasingly important in deciding the parameters of people's lives, at the same time that Zia's Islamization campaign has sharpened sectarian divisions. The impact of intensified sub-state identities on women is an uncharted area in Pakistan that needs to be explored. Even a surface appraisal shows that the impact is not uniform. Whereas Pathans (of the North West Frontier Province) decided that in certain constituencies no women would cast a vote in the 1985 and 1987 elections both in the Frontier and in the far-off metropolis of Karachi, the recent Sindhi nationalist movement has given birth to wide-spread women's organizations, activating huge numbers of Sindhi women on political and social issues including those affecting women. The latest manifestation of this process is the Muhajur Quami Mahaz, representing the second and third generation of those who migrated from India at independence. The MQM held a mammoth women's meeting recently, so far unequalled in size.

Proposed Framework for Pakistan:

The study on women, religion and social change being proposed for 1988-89 cannot cover all the points mentioned above. Nevertheless it should be designed to allow some insights into these and devised with the following in mind.

1. Religion has a multiple role in society:
 - it provides adherents with both self-identity and a world view
 - it gives shape to (and justifies) social customs and norms.
 - it mediates between changing material/structural circumstances and people's lives.
 - it is a powerful mobilizing force in the political arena.
2. However, religion is not the only intervening factor, and class and ethnic identity also play important roles in governing women's lives and the

possibility of social change.

3. Past histories affect a community's behaviour, influencing the reaction of both sub-sects and religious communities to social change. Some reactions may facilitate positive change for women while others obstruct this.
4. Religious minorities are both influenced by and influence society at large, and to understand women, religion and social change, even small minority communities should be examined.
5. The rise of Muslim fundamentalism in Pakistan has to be seen as a dynamic force responding to social change. The role of state-power in promoting or opposing fundamentalist movements also needs to be kept in view.
6. The great level of social change has taken place in the urban environment where - not coincidentally - the fundamentalist movement has the greatest support-base. Urban centres thus occupy a primary position in determining both social change and the possibilities for women.

With this in mind it is proposed that the research project for Pakistan be based in the two largest cities where it is presumed that the greatest scope for social change exists. As the largest urban and industrial centre of the country, Karachi (Sind) is unique in that its population has a representation of all the ethnic and religious diversity of Pakistan. It also has the largest concentration of Parsees. In Karachi, the research project would cover:

- a. The Parsees as a separate community, to examine the manner in which social change is experienced by women. Unlike Islam, Zoroastrianism does not appear to restrict women and therefore provides a useful point of comparison, since on the other hand the community has to operate in the same over-all environment.
- b. The ethnic pot-pourri of Karachi also provides a rare opportunity to study the interaction of ethnicity and religion as these relate to social change in the midst of the most rapidly changing environment of the country. As many of the communities also include recent rural migrants it will allow some exploration of the tensions and pressures that bear upon recent migrants and the extent to which religion and ethnic cohesiveness play a role in the adjustment process.

Lahore, a very old city, is the cultural and political centre of Punjab, and also plays an important national role in religion, culture and politics. At the same time it is the second largest industrial centre. In Lahore the study will focus on Islam and its sub-sects and the rise of fundamentalism. Additionally, the Punjabi Christian community will be studied mainly in Lahore. Here the study proposes to cover:

- a. Muslim women sub-divided by the Shiah-Sunni Sects and by social grouping. Social groups to be followed would be:
 - Professional educated working women of old middle/upper class where greatest change has taken place for women.
 - Fundamentalist women, where it is suspected that the most recent changes have/are taking place.
 - Working class women in different neighbourhoods
 - A class-section of housewives-least exposed to outside environment.
- b. Christian women will be seen generationally (as will the Muslims) but concentration will be on:
 - Upper class Christian and origins

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- Lower class-caste converts to Christianity.

With a view to examining the historical influence of Christians on Muslim women, and subsequently the more current impact of rising Muslim fundamentalism on the Christian minority.

August 1988.

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Sri-Lankan Migrant Women

There is widespread research and information available about the huge labour migration to the Oil rich countries in the Gulf. In the past few years, we received reports about housemaids being very officially exported from Sri Lanka to the Gulf countries of the Middle East. Although women from Muslim communities are usually kept under close control by the family, the Sri Lankan case was an exception insofar as large numbers of these maids were recruited from the Sri-Lanka's minority Muslim community.

Although this article does not specifically deal with women from the Muslim community, it draws attention on another market (Japan) for 'sex-work' of very poor women. We would like to hear from you readers whether women from the Muslim communities in your countries are equally affected, whether research has been conducted. We feel that there is strong need for women's groups all over to make efforts for the protection of rights of women migrant workers.

Sri-Lankan Brides in Japan

Young brides from Sri Lanka have been brought to a small agricultural village in Nagano prefecture, central Japan, population about 50,000. Other potential brides are on their way. They are brought in by a private marriage arrangement company, Toshin Matrimonial Agency. They do not understand Japanese, and few speak English. The company's employees do not speak English, and certainly not Sinhalese. They have sold their futures, and have neither the means nor the knowledge to control the consequences. They simply await the outcome of the marriages arranged between a counsellor and the men. Truly a business arrangement: the importation of brides.

Asian brides as commodities Sri Lankan brides in Nagano prefecture

The "import of brides" from Asian countries has only recently become commercialized in Japan. Although the actual number of these brides is not available, most foreign brides are from the Philippines, except of course for Korean and Taiwanese brides, whose marriages with Japanese men have been common since Japan's occupation of the two countries. The number of Japanese who applied for a "certificate of fulfillment of required conditions for marriage", issued by the Japanese Embassy in Manila and necessary for a wedding in the Philippines, is reported at 743 for the six months from January to June 1987. Extrapolating from this translates into some 1,500 annual marriages to Japanese men.

While Filipina brides predominate, there are a growing number of Sri Lankan brides in Nagano prefecture and the surrounding regions. Some say that the reason for this is that men have expressed more interest in brides from other Asian countries since a Filipina in Matsumoto City, Nagano was found to have AIDS. Others say that it is simply because Japanese men's demands are met with a supply. However, it is still unclear why Japanese men want a Sri Lankan bride.

Let's look at the Sri Lankan situation. The number of workers migrating to oil producing countries in West Asia (the so-called Middle East) has increased sharply since the latter half of the 1970's. Many are from the non-oil producing Asian countries, excepting Japan. A feature peculiar to Sri Lanka is that a large percentage of those migrating to other countries are women, mostly to engage in unskilled labour.

In the published statistics, the percentages of emigrating workers who are women are 79.1% in 1979 (female 10,131; male 20,672; the first year women numbered over 10,000; and 76.8% in 1981 (F 24,537; M 7,399). By 1982, the number of women emigrating abroad in search of such jobs was said to be about 35,000. Some say that the peak number is more than 50,000. Since 1977, the Sri Lankan government has implemented an open door economic policy, an important factor in these large numbers. Most migrant workers are from the Sinhalese population, and they go alone, leaving their families behind. The Sinhalese population in Sri Lanka is only 11 million. In terms of the Japanese population, it would be equivalent to more than 500,000 Japanese women emigrating yearly. In Colombo, the number of agents recruiting women for unskilled jobs abroad mushroomed correspondingly.

However, as the oil price started to decrease in the latter half of 1985, the labour markets in the West Asian countries became stagnant and those agents had to find a different direction. Meanwhile, tourism began to suffer dramatically as a result of the ethnic conflict in Sri Lanka, which has become yet more serious. Consequently, hotels are kept empty without tourists and employment in those hotels has declined. In Northern Europe, where the birth rate has been decreasing, there is a great adoption demand for foreign infants. To meet this demand, some of the empty hotels in Sri Lanka were converted to "baby farms" for export to other countries. In response to protests from women's organisations, the government banned this obscene practice. Under this socio-economic backdrop, the export of brides to Europe and Japan was started.

Business as usual in Japan

According to Sri Lankan newspapers, 20-25 year old women are in demand in the European bride import market, and women under 20 are wanted in Japan. Agents in Colombo were recruiting brides separately for Europe and Japan. However, Sri Lankan newspapers, differing from Japanese, gradually began to refuse such advertisements. Japanese export agents, in search of younger women, recruit from orphanages and schools. Most import agencies in Japan, except for those known for falsifying marriages for the sex industry, previously ran marriage counselling businesses, largely for Japanese arranged marriages. When the counsellors visit a foreign country for business or vacations, in this case Sri Lanka, they meet agents who try to send young women to Japanese farming villages systematically. The Japanese agents are then in the position to "mediate" international marriages, as they like to think of themselves as doing. The recruiting system for exporting the women has already been established and the cost, in the case of Sri Lanka, is low. They say that 27,000 rupees (about 110,000 Yen) is enough. The profit potential for the Japanese marriage counsellor is extraordinarily tempting.

Because they are not interested in Sri Lankan society or nation, other than in profiting from it, there have been various confusions. A large number of the women sent to Japan have been Catholic, despite the promotion of similarity because both societies are Buddhist. Japanese agents feel little need to learn about Sinhalese culture or the basics of the predominant Theravaddha Buddhist school. They only try to assimilate the women to Japanese culture as soon as possible. Any trouble which occurs between

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Japanese and Sri Lankan agents centres exclusively around money, and consideration of the human rights of the young women is not an issue.

Not all local governments have overseen foreign marriages directly like some prefectures in Tohoku district. Aoki village in Nagano prefecture, an area most eager for international marriages to produce heirs for the farms, has only indirectly supported private importing businesses. When the village social committee chair and a resident's section chief went to Sri Lanka on August 11-18 of 1986 to investigate the circumstances of the operation, they simply accompanied the tour of the Toshin Matrimonial Agency. In October of that year, a joint international wedding banquet was held at the Aoki village social welfare hall. Reported widely by various media, it opened the gate for the import of brides from Sri Lanka.

Painful choice

The marriage counselling agency stepped up its operation with the new confidence that comes from success. They began to herd to Japan as many as 20 potential brides at one time, housing the women in a single building and numbering them with badges on their chests, to save groom candidates from learning difficult Sinhalese names. These streamlined procedures increase the number of interviews Japanese men can make while keeping costs down, and minimize the chances of rejection by the women; the agency keeps the women's visas and airline tickets, and they don't give them cash.

Since the Sinhalese women brought to Japan are young, (mostly ranging from 16-19 years old), they expressed to me the natural desire to marry a young man. However, they have little choice once a Japanese man has chosen them, and are threatened with the price of a return ticket if they refuse a man. I was impressed by their voices : "We'd never known the pain of poverty until we came to Japan".

On the other hand, there are more than a few men who have difficulty in making up their minds. Still, immigration regulations require that the women must leave Japan if they cannot marry within 3 months, since they enter Japan on a tourist visa. To get over this legal, and possibly costly snag, one business minded company developed a transnational solution: a contract with an electronics firm. Toshin Matrimonial Agency established a small factory in Sri Lanka and began recruiting women to come to Japan for training. Since September of 1987, 50 Sinhalese women have come to factories located in 5 places in Nagano prefecture.

Near each factory there is a dormitory, and food and clothing are provided, but wages are not paid in cash. Japanese labour laws are evaded during this one or two year training period. Moreover, men working in these factories are often farmers with a side job, and the possibilities for marriage are thereby enhanced.

Through this innovative management reform and unique combination, the company has reinforced its economic efficiency, a fact that Nitsu Yukio, President of the Toshin Matrimonial Agency is quite proud of: 50 poor Sri Lankan women trained with a new skill, and 50 international couples. Their remarkable success has encouraged the import of Sri Lankan brides, and secured their business around the Nagano prefecture.

The making of a market

The word *Kaisha* (company) is an odd word in Japan. It did not exist as a word one hundred years ago. But now you cannot speak about modern Japanese living without using the word *kaisha*. Because for many people, the company is the centre of their lives: society coincides with company. In this structure, women are expected to support the system from the bottom. They keep the house, freeing the husband to think and work only for

the company. Even their outside work is considered marginal, to adjust the gap between the demand and the supply of labour. They are part-timers, first to be laid-off in a slow period. Their average wage is only half that of their male counterparts in the corporate structure.

Agricultural sectors are self-employed and therefore distant from the often antagonistic corporate-centred society. From the view-point of the "de-Asianization" and "de-agriculturization" theories of Fukuzawa Yukichi (1834-1901), an advocate of the industrialization and modernization of Japan, they are to be left behind. Indeed, these sectors continue to remain feudalistically male dominated, with wives sharing farm labour on top of home chores and tending elderly in-laws. It is not difficult to see why women often view the inequity of the urban centers as preferable to the misery of an oppressive rural life. Men, on the other hand, especially oldest sons, remain in the villages with their parents to inherit the increasingly valuable farmland. This value system, which positions farm women at the bottom of the bottom, presses farmers to want their daughters to marry company men.

As the corporate society has become dominant, the imbalance created by this system of values becomes marked. Indeed, in Aoki village, the birth rate of females is now low, nor is the death rate high, but the number of single women in the 30-40 age bracket is 33, compared to 134 for men. Between 1982 and 1987, there were 245 women who married, but of those 207 left the village. There have been organized efforts by local governments forming marriage counselling centres to attract women from the surrounding areas and to promote marriages, but they have had little success.

Increasingly, they have turned to searching for foreign brides, particularly from the Asian countries, either through these counselling centres, or through private organizations. The rural community which has not been corporatized is now ironically "internationalizing", not through the West but through Asia. And as the Westernization in the Meiji era started by setting up state enterprises, so the Asianization now is led by the public sectors. Filipina brides came to Japan for the first time to the town of Asahi in Yamagata prefecture in 1985, just one hundred years after the advocacy of de-Asianization by Fukuzawa.

The success of Asahi town was reported widely through newspapers and TV. The introduction of Asian brides quickly followed in Okura in Jamagata, Azuka and Yuzawa in Nigata, Higashiyayama in Tokushima, Masuda in Akita and Sawauchi in Iwate. In the autumn of 1986, ten brides from Bacohl near Manila came to the village of Okura which has a population of nearly 5,200. A film entitled *The Filipina Brides of Okura*, drew attention to their enterprise, and inquiries from municipal offices and agricultural groups of sparsely populated districts came pouring in. A private Asian-bride importing business has swelled, perhaps already surpassing the public efforts. Brides come mainly from the Philippines, but also from Korea, Taiwan, China, Indochina, South Pacific Islands, and Sri Lanka as well. Buddhist women from Chiangmai, northern Thailand, and Mandalay, central Burma, are considered to be the prototype of the traditional ideal Japanese woman, so that businesses stalk these areas. But in the language of commerce, the export markets there are not fully developed to maintain a steady supply, so they must rely on the next best districts.

In just a brief time, the Philippines and Sri Lanka have become major and seemingly steady exporters to Japan of wives, although Philipinas are sometimes seen as impure due to Western colonialism and the strong influence of Catholicism. Their rapid adaptation is no doubt related to the

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historical exporting of domestic labour and brides to the oil producing countries in the West Asia.

Partners or purchasers

Private enterprise importing Asian brides as commodities has adopted three common strategies to cultivate new markets :

1) Agency through membership:

This system follows the existing marriage agency system for Japanese. It offers arranged meetings with imported brides-to-be and men. The main targets are eldest sons of farmers, men supporting and living with their elderly parents, workers with little education, older men wanting to marry, multiple divorcees, mentally and physically disabled men, and socially handicapped men.

2) Explanation and exhibition:

Slick pamphlets are sent to municipal offices, agricultural cooperatives, and community centres announcing an opportunity to meet potential brides. They emphasize the naivety and gentleness of Asian women, while also explaining the legal procedures necessary for an international marriage.

3) Media Advertising:

Repeated adverts in the evening papers and sports and leisure papers, usually in the column for "soapland".

An example from the Dec. 2, 1987 edition of the Naigai Times speaks shamelessly for itself. Both public and private sectors play on the fears and needs of Japanese Men. "You are over 35 so you cannot hope to marry a Japanese woman. You are choosing the personality, not the nationality". "Short, fat, and ugly" is an effective threat in this business.

The cost of marrying Asian brides differs greatly depending on the mediator. 2 million Yen is the average for public mediation. In the case of private enterprises, it is from 2.65 million Yen according to my survey. Average cost is said to be in between 3-4 million Yen, but the breakdown of expenses is not known. In Osaka, there is currently a suit for the return of 4.5 million Yen in marriage expenses. Strangely, few have receipts for their rather large outlays, probably due to embarrassment over the commoditization of their brides, or it just might be the lack of custom to expect a receipt for betrothal money.

Only three years have passed since the enterprise of organizing Asian brides to Japan began officially and privately. Each region has developed its own system, and general conclusions are too difficult to reach. We need to investigate more concrete cases, so I will confine myself to making just this provisional report. Paradoxically, the bride importing project, aimed at conserving the structure of Japanese society, has the potential to drastically alter it. Ethnic and cultural variety is forming at the periphery no matter how leaders like Nakasone boast in Tokyo about the superiority of Japan's racial homogeneity.

This hints at some positive possibilities of Asian brides being sold in Japan. We can hope for an opening of the closed Japanese rural society with a transplanted culture and diversity of values towards religious and every day life. Communication across the seas will take a different form than that between governments. And as Japanese villages are reconstructed by the hand of Asian women, the status of all women can improve. But before these possibilities can be actualized, the fundamental problem of fetishizing the women as commodities must be addressed: the project of importing foreign brides seeks to replace difficulties in direct human social relationships with market place solutions.

Another problem of no less importance is the lack of respect for the human rights of the imported brides. Is enough care being taken to prevent discrimination in social life: inheritance, employment, divorce and children's citizenship and education? Also essential is the ratification of the Treaty on the Elimination of all Forms of Racial Discrimination by the Japanese government.

The new brides are isolated and cut off from their homeland, with little organization to protect their culture and human rights. Only a few of their complaints have begun to reach long-staying students from Sri Lanka. There are complaints of the difficulty in using the telephone and mail systems because of language problems. More frightening is the 16 year old bride who reported that her husband locks her up when he leaves the house. The student who heard her complaint was completely at a loss to help her.

Imported as commodities, these women need a space to talk about the struggle of their new lives and their day to day difficulties, a place where the human rights of the imported are defended against the predominant culture, a space to grow beyond the limits of their situation. If these young women are only locked up as the wives of an inefficient industry falling behind in the corporate society, then the possibility for change is lost. Modern Japan is asked, "Are you treating the Asian brides as commodities, or as partners in building a future ?"

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