

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



Dossier 18

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Dossier 18 was edited by Marie-Aimée Hélie-Lucas and Harsh Kapoor

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About the Dossiers

The Dossiers are an occasional publication of the International Solidarity Network of Women Living Under Muslim Laws. Conceived as a networking tool, they aim at providing information about lives, struggles and strategies of women living in diverse Muslim communities and countries.

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Produced on non-profit basis through donations and grants, the Dossiers have, till now, mostly been distributed free of cost to women and women's organisations. Printing and distribution costs of one Dossier work out to 60 F.Francis (about 12 US\$). We appeal to readers to send donations to meet the production and postage costs. Any donation however small is extremely welcome.

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Introduction

To the lonely voice of a Pakistani American lesbian woman wondering how her grandmother would react to her sexual mores, responds the powerful short story of Ismat Chughtai, written more than 50 years ago - and banned at the time.

Our dossiers had announced the first two Asian lesbians conferences; we are now beginning to receive articles about the situation of lesbians in Muslim countries and communities which we will be publishing in the future issues.

A study of temporary marriages (mut'a) in a Lebanese American Muslim community, by Linda Walbridge, shows how some 'local' imams are promoting the practice of mut'a as a way to allow modern teenagers of the community to have sexual freedom, within the acceptable "religious-moral parameters". This re-interpretation of a practice which we only knew as highly unfavourable to women and girls, provides evidence of how religious edicts pulled out of Iranian Shia Islamic framework are being applied in an alien diasporic context to facilitate "cultural accommodation"; community and religious spokesmen might want to justify this practice, as being rooted in "authentic culture" and may hide behind the smokescreen of "cultural pluralism" in order to bypass prevailing marriage laws of the land, but we hope women's rights activists will not close their eyes.

The article on Algeria by Karima Bennoune, describes, amongst other atrocities against women, examples of the terrible use that fundamentalists have made of mut'a in Algeria. Apart from a stinging denunciation of the crimes of against women in Algeria, it sets out the backdrop of the present situation; in particular, it counters the commonly adopted view that fundamentalist violence started as a protest against the government putting an end to the electoral process in 1992 and it shows that this violence started -and escalated- long before these events. She demonstrates the collusion of the government with fundamentalists and the way they traded women's constitutional rights. It also clearly links the defence and promotion of women's human rights to the very existence of democracy in Algeria. She gives a voice to Algerian feminists in this battle for life.

The situation is deteriorating every single day in Algeria: villages are attacked on a daily basis, and inhabitants slaughtered irrespective of age or sex. Future dossiers will keep you up to date. In the sections on campaigns and in the newsbriefs, you will find information on the ongoing campaign by Algerian women to collect a million signatures against the existing family law which has bound women since 1984. So called "moderate islamists" in Algeria are actively mobilizing against the women's petition and claim, in a virulent appeal to "protect algerian

national identity" and to prevent "an act of revolt against the word of God". They are collecting 3 million signatures to defend the discriminatory family law in force in Algeria.

In Sudan, the other showcase of fundamentalists' policies in the world, new laws have been passed which further limit women's access to public life: the decency laws. Sondra Hale analyzes the Islamisation project as part and parcel of a cultural-national construction of identity which obscures class approach and makes a move towards essentialism, while a Sudanese feminist addresses the issue of violence against women in the light of these new laws. A warm tribute is paid to Mahmoud Mohammad Taha, a well known and respected progressive interpreter of the Qu'ran, murdered [by the then government] in 1985 for his writings. To this date his books remain banned in Sudan.

The paper by Rubyia Mehdi on rape in Pakistan denounces the assimilation of rape to sex outside marriage (fornication and adultery) and links this law to the political use of Islam by the then government.

Finally the contribution by Kazi & Gangoly on customary practices in Bihar gives concrete examples of 'what muslims do' in a sociological and daily life sense as different from what 'muslim law(s) [of the land] say', or 'what Islam says' in a theological sense.

The All-American Queer Pakistani Girl:

The dilemma of being between cultures

Surina Khan

I don't know if my grandmother is dead or alive. I can't remember the last time I saw her. It must have been at least ten years ago when I was in Pakistan for an extended visit. She was my only living grandparent and her health was beginning to fail her. Every once in a while, I think she's probably dead and no one bothered to tell me.

I'm completely out of touch with my Pakistani life. As a kid, I remember being constantly reminded that I was different by my accent, my brown skin color, the smell of the food we ate, and my mother's traditional clothing.

And so, I consciously Americanized myself - I spent my early childhood perfecting my American accent; my adolescence affirming my American identity to others; and my late teens rejecting my Pakistani heritage. And now, at the age of twenty-seven, I'm feeling the void I created for myself.

I can hardly speak Urdu. I certainly can't read or write it. I have no idea how many cousins I have. I know my father comes from a large family (eleven brothers and sisters) but I don't know all their names. I've never read the Koran and I have no faith in Islam.

Sometimes I think of what my life would be like if my parents hadn't migrated from Pakistan to the U.S.. We moved to Connecticut in 1973 when I was five. Most of my family has since moved back to Pakistan, and up until seven years ago, when I came out, I went back somewhat regularly, but always with a little ambivalence. I never liked going back. It made me feel stifled. Constrained. People were always talking about getting married. It was either, "Oh, you're almost old enough to start thinking about finding a nice husband", or, "When are you getting married?" Now I imagine they'd say (with disappointment), "You'll be an old maid".

Fortunately, my family is of a more liberal mindset when it comes to Pakistani society. By American standards that translates into conservative. (My mother raised money for George Bush). In any case, I was brought up in a family that valued education, independence, integrity, and love.

Unlike some of my cousins, I never worried about my parents arranging a marriage for me even though I saw several of my first cousins arranged into marriages, sometimes with each other. Once I went to a wedding where the bride and groom saw each other for the first time when someone passed them a mirror after their wedding ceremony and they both looked into it at the same time. That's when I started thinking my family was "modern". Unfortunately they live in a fundamentalist culture that won't tolerate me.

I can't even bring myself to go back for a visit. The last time I was back was seven years ago for my father's funeral. And sometimes I think the next time I go back will be for my mother's funeral. She asks me to come visit every time I talk to her. And I tell her I'm too busy, that I can't get away.

Three years ago I finally answered her truthfully. I told her that I didn't like the idea of travelling to a country that lashed lesbians one hundred times in public. And more importantly, I didn't feel comfortable visiting Pakistan when she and I had not talked about anything important in my life since I had come out to her.

Pakistan has always been my parents' answer to everything. When they found out my sisters were smoking pot in the late 1970's, they shipped all of us back. "You need to get in touch with the Pakistani culture", my mother would say. When my oldest sister got hooked on transcendental meditation and started walking around the house in a trance, my father packed her up and put her on a plane back to the homeland. She's been there ever since.

Being the youngest of six, I wised up quickly. I waited to drop my bomb until after I had moved out of the house and was financially independent of my family. If I had come out while I was still living in my parents home, you can bet I'd have been on the next flight to Islamabad. When I came out to my mother, she suggested I go back to Pakistan for a few months. "Just get away from it all. You need some time. Clear your head", she begged. But I knew better. And when I insisted I was queer and was going to move to Washington, DC, to live with my girlfriend, Robin (now my ex-girlfriend, much to my mother's delight), she tried another Pakistani scare tactic. "You and your lover better watch out. There's a large Pakistani community in DC and they'll find out about you. They'll break your legs, mutilate your face". That pretty much did it for me.

My mother had just validated all my fears associated with Pakistan and I cut off all ties with the community, including my family. Pakistan became synonymous to homophobia.

My mother disowned me when I didn't heed her advice. But a year later when Robin and I broke up, she came back into my life. Wishful

thinking on her part. Though I do have to give her credit, not only for nurturing the strength in me to live by my convictions with integrity and honesty, but for eventually trying to understand me.

I'll never forget the day I took her to see a lawyer friend of mine. She was on the verge of settling a lawsuit started by my father before he died and was unhappy with her lawyer. I took her to see Maggie Cassella, a lawyer/comedian based in Hartford, Connecticut, where I was again living. "I presume this woman's a lesbian", my mother said in the car on the way to Maggie's office. "Yes, she is", I replied, thinking, oh no, here it comes again. But my mother totally took me by surprise. "Well, the men aren't helping me, I might as well go to the dykes". I didn't think she even knew the word dyke. Now, that was a moment. Her changing attitude about my lesbian identity was instilling a desire in me to reclaim my Pakistani identity. The best way to do this, I decided, would be to seek out other Pakistani lesbians. I barely knew any Pakistani people aside from my family and I sure as hell didn't know any, or even know of any, Pakistani lesbians. I was just naive enough to think I was the only one. Having rejected my culture from a young age, when I came out I identified only as a lesbian. I knew other lesbians but I didn't know any Pakistani lesbians, and so it didn't occur to me to identify myself as a Pakistani lesbian. And in my zeal to be all- American I threw myself into the American queer rights movement - not realizing (unfortunately) that there is an active South Asian gay and lesbian community in the U.S. - and many of us are here because we're able to be queer and out in the Western world where at least there is a queer liberation movement.

The conflict I'm experiencing seems relatively simple to me - I don't know how not to be out anymore, and if I went back to Pakistan to find that my grandmother is indeed alive and well and still wondering why I don't have a husband, I'll tell her politely, "I'm not interested in marrying a man, but I am looking for a wife. Know any good women?"

Source: --- This is an excerpt from an essay which will be published in Generation Q: Inheriting Stonewall, a collection of essays being published next fall by Alyson Publications

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Editor's note: This famous short story by the late Ismat Chughtai (1915-1991) was written in 1941 and banned by the then State Government on charges of obscenity. Ismat Chughtai challenged this decision and won her law suit. While she had already earned the honour of becoming the first Muslim woman in British India to obtain a BA and later became active in the Progressive Writer's Association in the 1930s, Chughtai grew to become one of the most outspoken and prominent short story writers of South Asia.

Lihaf* (*The Quilt*)

Ismat Chughtai

(Translated by Syeda Hameed)

In the depth of winter whenever I snuggle into my quilt, its shadow on the wall seems to sway like an elephant. My mind begins a mad race into the dark crevasses of the past; memories come flooding in.

Begging your pardon, I am not about to relate a romantic incident surrounding my own quilt—I do not believe there is much romance associated with it. The blanket, though considerably less comfortable, is preferable because it does not cast such terrifying shadows, quivering on the wall!

This happened when I was a small girl. All day long I fought tooth and nail with my brothers and their friends. Sometimes I wondered why the hell I was so quarrelsome. At my age my older sisters had been busy collecting admirers; all I could think of was fisticuffs with every known and unknown girl or boy I ran into!

For this reason my mother decided to deposit me with an 'adopted' sister of hers when she left for Agra. She was well aware that there was no one in that sister's house, not even a pet animal, with whom I could engage in my favorite occupation! I guess my punishment was well deserved. So Mother left me with Begum Jan, the same Begum Jan whose quilt is imprinted on my memory like a blacksmith's brand.

This was the lady who had been married off to Nawab Sahib for a very good reason, courtesy her poor but loving parents. Although much past his prime, Nawab Sahib was noblesse oblige. No one had ever seen a dancing girl or prostitute in his home. He had the distinction of not only performing the Haj himself, but of being the patron of several poor people who had undertaken the pilgrimage through his good offices.

Nawab Sahib had a strange hobby. People are known to have irksome interests like breeding pigeons and arranging cockfights. Nawab Sahib kept himself aloof from these disgusting sports; all he liked to do was keep an open house for students; young, fair and slim-waisted boys, whose expenses were borne entirely by him. After marrying Begum Jan, he deposited her in the house with all his other possessions and promptly forgot about her! The young, delicate Begum began to wilt with loneliness.

* Urdu has two words for quilt: *raza'i* and *lihaf*. A *lihaf* is a thick and heavy quilt and is usually made out of velvet or colourful silk or cotton prints.

Who knows when Begum Jan started living? Did her life begin when she made the mistake of being born, or when she entered the house as the Nawab's new bride, climbed the elaborate four-poster bed and started counting her days? Or did it begin from the time she realized that the household revolved around the boy-students, and that all the delicacies produced in the kitchen were meant solely for their palates? From the chinks in the drawing-room doors, Begum Jan glimpsed their slim waists, fair ankles and gossamer shirts and felt she had been raked over coals!

Perhaps it all started when she gave up on magic, necromancy, seances and whatnot. You cannot draw blood from a stone. Not an inch did the Nawab budge. Broken-hearted, Begum Jan turned towards education. Not much to be gained here either! Romantic novels and sentimental poetry proved even more depressing. Sleepless nights became a daily routine. Begum Jan slowly let go and consequently, became a picture of melancholy and despair.

She felt like stuffing all her fine clothes into the stove. One dresses up to impress people. Now, neither did the Nawab Sahib find a spare moment from his preoccupation with the gossamer shirts, nor did he allow her to venture outside the home. Her relatives, however, made it a habit to pay her frequent visits which often lasted for months, while she remained prisoner of the house.

Seeing these relatives on a roman holiday made her blood boil. They happily indulged themselves with the goodies produced in the kitchen and licked the clarified butter off their greedy fingers. In her household they equipped themselves for their winter needs. But, despite renewing the cotton filling in her quilt each year, Begum Jan continued to shiver, night after night. Each time she turned over, the quilt assumed ferocious shapes which appeared like shadowy monsters on the wall. She lay in terror; not one of the shadows carried any promise of life. What the hell was life worth anyway? Why live? But Begum Jan was destined to live, and once she started living, did she ever!

Rabbo came to her rescue just as she was starting to go under. Suddenly her emaciated body began to fill out. Her cheeks became rosy; beauty, as it were, glowed through every pore! It was a special oil massage that brought about the change in Begum Jan. Begging your pardon, you will not find the recipe for this oil in the most exclusive or expensive magazine!

When I saw Begum Jan she was in her early forties. She sat reclining on the couch, a figure of dignity and grandeur. Rabbo sat against her back, massaging her waist. A purple shawl was thrown over her legs. The very picture of royalty, a real Maharani! How I loved her looks. I wanted to sit by her side for hours, adoring her like a humble devotee. Her complexion was fair, without a trace of ruddiness. Her black hair was

always drenched in oil. I had never seen her parting crooked, nor a single hair out of place. Her eyes were black, and carefully plucked eyebrows stretched over them like a couple of perfect bows! Her eyes were slightly taut, eyelids heavy and eyelashes thick. The most amazing and attractive part of her face were her lips. Usually dyed in lipstick, her upper lip had a distinct line of down. Her temples were covered with long hair. Sometimes her face became transformed before my adoring gaze, as if it were the face of young boy

Her skin was fair and moist, and looked like it had been stretched over her frame and tightly stitched up. Whenever she exposed her ankles for a massage, I stole a glance at their rounded smoothness. She was tall, and appeared taller because of the ample flesh on her person. Her hands were large and moist, her waist smooth. Rabbo used to sit by her side and scratch her back for hours together—it was almost as if getting scratched was for her the fulfillment of life's essential need. In a way, more important than the basic necessities required for staying alive.

Rabbo had no other household duties. Perched on the four-poster bed, she was always massaging Begum Jan's head, feet or some other part of her anatomy. Someone other than Begum Jan receiving such a quantity of human touching, what would the consequences be? Speaking for myself, I can say that if someone touched me continuously like this, I would certainly rot.

As if this daily massage ritual were not enough, on the days she bathed this ritual extended to two hours! Scented oils and unguents were massaged into her shining skin; imagining the friction caused by this prolonged rubbing made me slightly sick. The braziers were lit behind closed doors and then the procedure started. Usually Rabbo was the only one allowed inside the sanctum. Other servants, muttering their disapproval, handed over various necessities at the closed door.

The fact of the matter was that Begum Jan was afflicted with a perpetual itch. Numerous oils and lotions had been tried, but the itch was there to stay. Hakims and doctors stated: It is nothing, the skin is clear. But if the disease is located beneath the skin, it's a different matter.

These doctors are mad! Rabbo used to say with a meaningful smile while gazing dreamily at Begum Jan. "May your enemies be afflicted with skin disease! It is your hot blood that causes all the trouble!"

Rabbo! She was as black as Begum Jan was white, like burnt iron ore! Her face was lightly marked with smallpox, her body solidly packed; small dextrous hands, a tight little paunch and full lips slightly swollen, which were always moist. Those puffy hands were as quick as lightning, now at her waist, now her lips, now kneading her thighs and dashing towards her ankles. Whenever I sat down with Begum Jan, my eyes were riveted to those roving hands.

Winter or summer, Begum Jan always wore kurtas of Hyderabad jalli karga. I recall her dark skirts and billowing white kurtas. With the fan gently rotating on the ceiling, Begum always covered herself with a soft wrap. She was fond of winter. I too liked the winter season at her house. She moved very little. Reclining on the carpet, she spent her days having her back massaged, chewing on dry fruit. Other household servants were envious of Rabbo. The witch! She ate, sat, and even slept with Begum Jan! Rabbo and Begum Jan—the topic inevitably cropped up in every gathering. Whenever anyone mentioned their names, the group burst into loud guffaws. Who knows what jokes were made at their expense? But one thing was certain—the poor lady never met a single soul. All her time was taken up with the treatment of her unfortunate itch.

I have already said I was very young at the time and quite enamoured of Begum Jan. She, too, was fond of me. When mother decided to go to Agra she had to leave me with somebody. She knew that, left alone, I would fight continuously with my brothers, or wander around aimlessly. I was happy to be left with Begum Jan for one week, and Begum Jan was equally pleased to have me. After all, she was Ammi's adopted sister!

The question arose of where I was to sleep. The obvious place was Begum Jan's room; accordingly, a small bed was placed alongside the huge four-poster. Until ten or eleven that night we played Chance and talked; then I went to bed. When I fell asleep Rabbo was scratching her back. "Filthy wench", I muttered before turning over. At night I awoke with a start. It was pitch dark. Begum Jan's quilt was shaking vigorously, as if an elephant was struggling beneath it.

"Begum Jan", my voice was barely audible. The elephant subsided. "What is it? Go to sleep". Begum Jan's voice seemed to come from afar.

"Im scared". I sounded like a petrified mouse.

"Go to sleep. Nothing to be afraid of. Recite the Ayat-ul-Kursi".

"Okay!" I quickly began the Ayat. But each time I reached Yalamu Mabain I got stuck. This was strange. I knew the entire Ayat!

"May I come to you, Begum Jan?"

"No child, go to sleep". The voice was curt. Then I heard whispers. Oh God! Who was this other person? Now I was terrified.

"Begum Jan, is there a thief here?"

"Go to sleep, child; there is no thief". This was Rabbo's voice. I sank into my quilt and tried to sleep.

In the morning I could not even remember the sinister scene that had been enacted at night. I have always been the superstitious one in my family. Night fears, sleep-talking, sleep-walking were regular occurrences during my childhood. People often said that I seemed to be haunted by evil spirits. Consequently I blotted out the incident from memory as easily

as I dealt with all my imaginary fears. Besides, the quilt seemed such an innocent part of the bed.

The next night when I woke up, a quarrel between Begum Jan and Rabbo was being settled on the bed itself. I could not make out what conclusion was reached, but I heard Rabbo sobbing. Then there were sounds of a cat slobbering in the saucer. To hell with it, I thought and went off to sleep!

Today Rabbo has gone off to visit her son. He was a quarrelsome lad. Begum Jan had done a lot to help him settle down in life; she had bought him a shop, arranged a job in the village, but to no avail. She even managed to have him stay with Nawab Sahib. Here he was treated well, a new wardrobe was ordered for him, but ungrateful wretch that he was, he ran away for no good reason and never returned, not even to see Rabbo. She therefore had to arrange to meet him at a relative's house. Begum Jan would never have allowed it, but poor Rabbo was helpless and had to go.

All day Begum Jan was restless. Her joints hurt like hell, but she could not bear anyone's touch. Not a morsel did she eat; all day long she moped in bed.

"Shall I scratch you, Begum Jan?" I asked eagerly while dealing out the deck of cards. Begum Jan looked at me carefully.

"Really, shall I?" I put the cards aside and began scratching, while Begum Jan lay quietly, giving in to my ministrations. Rabbo was due back the next day, but she never turned up. Begum Jan became irritable. She drank so much tea that her head started throbbing.

Once again I started on her back. What a smooth slab of a back! I scratched her softly, happy to be of some assistance;

"Scratch harder, open the straps", Begum Jan spoke. "There, below the shoulder. Ooh, wonderful!" She sighed as if with immense relief.

"This way", Begum Jan indicated, although she could very well scratch that part herself. But she preferred my touch. How proud I was!

"Here, oh, oh, how you tickle", she laughed. I was talking and scratching at the same time.

"Tomorrow I will send you to the market. What do you want? A sleeping-walking doll?"

"Not a doll, Begum Jan! Do you think I am a child? You know I am..."

"Yes... an old crow. Is that what you are?" She laughed.

"Okay then, buy a babua. Dress it up yourself, I'll give you as many bits and pieces as you want. Okay?" She turned over.

"Okay", I answered.

"Here". She was guiding my hand wherever she felt the itch. With my mind on the babua, I was scratching mechanically, unthinkingly. She continued talking. "Listen, you don't have enough clothes. Tomorrow I will ask the tailor to make you a new frock. Your mother has left some material with me".

"I don't want that cheap red material. It looks tacky". I was talking nonsense while my hand roved the entire territory. I did not realize it but by now Begum Jan was flat on her back! Oh God! I quickly withdrew my hand.

"Silly girl, don't you see where you're scratching? You have dislocated my ribs". Begum Jan was smiling mischievously. I was red with embarrassment.

"Come, lie down with me". She laid me at her side with my head on her arm. "How thin you are... and, let's see, your ribs", she started counting.

"No", I protested weakly.

"I won't eat you up! What a tight sweater", she said. "Not even a warm vest?" I began to get very restless.

"How many ribs?" The topic was changed.

"Nine on one side, ten on the other". I thought of my school hygiene. Very confused thinking.

"Let's see", she moved my hand. "One, two, three..."

I wanted to run away from her, but she held me closer. I struggled to get away. Begum Jan started laughing.

To this day whenever I think of what she looked like at that moment, I get nervous. Her eyelids became heavy, her upper lip darkened and, despite the cold, her nose and eyes were covered with tiny beads of perspiration. Her hands were stiff and cold, but soft as if the skin had been peeled. She had thrown off her shawl and in the karga kurta, her body shone like a ball of dough. Her heavy gold kurta buttons were open, swinging to one side.

The dusk had plunged her room into a claustrophobic blackness, and I felt gripped by an unknown terror. Begum Jan's deep dark eyes focussed on me! I started crying. She was clutching me like a clay doll. I started feeling nauseated against her warm body. She seemed possessed. What could I do? I was neither able to cry nor scream! In a while she became limp. Her face turned pale and frightening, she started taking deep breaths. I figured she was about to die, so I ran outside.

Thank God Rabbo came back at night. I was scared enough to pull the sheet over my head, but sleep evaded me as usual. I lay awake for hours.

How I wished Ammi would return. Begum Jan had become such a terrifying entity that I spent my days in the company of household servants. I was too scared to step into her bedroom. What could I have said to anyone? That I was afraid of Begum Jan? Begum Jan, who loved me so dearly?

Today there was another tiff between Begum Jan and Rabbo. I was dead scared of their quarrels, because they signalled the beginning of my misfortunes! Begum Jan immediately thought about me. What was I doing wandering around in the cold? I would surely die of pneumonia!

"Child, you will have my head shaven in public. If something happens to you, how will I face your mother?" Begum Jan admonished me as she washed up in the water basin. The tea tray was lying on the table.

"Pour some tea and give me a cup". She dried her hands and face. "Let me get out of these clothes".

While she changed, I drank tea. During her body massage, she kept summoning me for small errands. I carried things to her with utmost reluctance, always looking the other way. At the slightest opportunity I ran back to my perch, drinking my tea, my back turned to Begum Jan.

"Ammi!" My heart cried in anguish. "How could you punish me so severely for fighting with my brothers?" Mother disliked my mixing with the boys, as if they were man-eaters who would swallow her beloved daughter in one gulp! After all who were these ferocious males? None other than my own brothers and their puny little friends. Mother believed in a strict prison sentence for females; life behind seven padlocks! Begum Jan's "patronage", however, proved more terrifying than the fear of the world's worst goondas! If I had had the courage I would have run out on to the street. But helpless as I was, I continued to sit in that very spot with my heart in my mouth.

After an elaborate ritual of dressing up and scenting her body with warm attars and perfumes, Begum Jan turned her arduous heat on me.

"I want to go home!" I said in response to all her suggestions. More tears.

"Come to me", she waxed. "I will take you shopping".

But I had only one answer. All the toys and sweets in the world kept piling up against my one and only refrain, "I want to go home!"

"Your brothers will beat you up, you witch!" She smacked me affectionately.

"Sure, let them", I said to myself annoyed and exasperated.

"Raw mangoes are sour, Begum Jan", malicious little Rabbo expressed her views.

Then Begum Jan had her famous fit. The gold necklace she was about to place around my neck, was broken to bits. Gossamer net scarf was shredded mercilessly. Hair, which were never out of place, were tousled with loud exclamations of "Oh! Oh! Oh!" She started shouting and convulsing. I ran outside.

After much ado and ministrations, Begum Jan regained consciousness. When I tiptoed into the bedroom Rabbo, propped against her body, was kneading her limbs.

"Take off your shoes, she whispered". Mouse-like I crept into my quilt.

Later that night, Begum Jan's quilt was, once again, swinging like an elephant. "Allah", I was barely able to squeak. The elephant-in-the quilt jumped and then sat down. I did not say a word. Once again, the elephant started convulsing. Now I was really confused. I decided, no matter what, tonight I would flip the switch on the bedside lamp. The elephant started fluttering once again, as if about to squat. Smack, gush, slobber—someone was enjoying a feast. Suddenly I understood what was going on!

Begum Jan had not eaten a thing all day and Rabbo, the witch, was a known glutton. They were polishing off some goodies under the quilt, for sure. Flaring my nostrils, I huffed and puffed hoping for a whiff of the feast. But the air was laden with attar, henna, sandalwood; hot fragrances, no food.

Once again the quilt started billowing. I tried to lie still, but it was now assuming such weird shapes that I could not contain myself. It seemed as if a frog was growing inside it and would suddenly spring on me.

"Ammi!" I spoke with courage, but no one heard me. The quilt, meanwhile, had entered my brain and started growing. Quietly creeping to the other side of the bed I swung my legs over and sat up. In the dark I groped for the switch. The elephant somersaulted beneath the quilt and dug in. During the somersault, its corner was lifted one foot above the bed.

Allah! I dove headlong into my sheets!!

What I saw when the quilt was lifted, I will never tell anyone, not even if they give me a lakh of rupees.

Acknowledgement: The above text has been reproduced with the permission of the late Ismat Chughtai's family.

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Sex and the Single Shi'ite: Mut'a Marriage in an American Lebanese Shi'ite Community

Linda S. Walbridge

Soon after I began my study of the religious life of the Lebanese Shi'a residing in the eastern section of Dearborn, Michigan, I occasionally heard rumors that mut'a (temporary or pleasure marriage) was being encouraged by the religious leaders (shaikhs) in the community. To be more specific, young men in public places were discussing the matter in terms that suggested that the shaikhs (the imams of the mosques) were saying that the young men could have affairs with American girls as long as they formed a contract with the girl making her a mut'ee.

Dearborn has the largest population of Arab Muslims in America, and of these Arab Muslims, the majority are Lebanese Shi'a. Hailing mainly from the Beka'a region, they are concentrated in the northwest quarter of the city, which is adjacent to Detroit. Over the past decade or so the Lebanese Shi'a community have developed a prosperous commercial district. Three mosques, or mosque-like facilities, serve the spiritual and social needs of the community.

Defining Mut'a

According to Shahla Haeri (1989), mut'a is a temporary marriage, "a contract between a man and an unmarried woman, be she a virgin, divorced, or widowed, in which both the period of the marriage shall last and the amount of money to be exchanged must be specified." Witnesses are not required for such a union, nor is it usually registered. A Shi'i man may contract as many temporary marriages as he wishes. The unions can be formed consecutively or simultaneously. For a woman, however, the rules are different. She may form only one union at a time after which she must abstain from sex until she knows whether or not she is pregnant.

Khomeini's 1984 book, *Resaleh Towzih al-Masael* (A Clarification of Questions), gives the following instructions for a temporary marriage:

When a woman and a man themselves want to read the (impermanent) contract's formula it is correct if the woman, after determination of the

length of period and the dowry, says "I married myself to you for the specified length and the specified dowry" and the man says immediately, "I accept." And if they deputize another person and first the woman's deputy says to that of the man "I merchandised (made available for pleasure) my principal to your principal for the specified length and specified dowry" and then the man's deputy says immediately "I accepted that for my principal," it is correct. (p. 313)

Haeri (1989) states that the Ayatollah Khomeini, after the Iranian Revolution, issued a fatwa (religious edict) stating that a virgin must have her father's permission for a first marriage, be it permanent or temporary. Issues such as parental consent for a virgin to enter into a mut'a marriage might be under dispute among the Shi'a ulama (learned men), but the legitimacy of mut'a is not. While Khomeini may have encouraged the practice more strongly than other contemporary mutahids (Shi'ite jurisconsults), they are all in favor of the use of this kind of marriage.

The topic of temporary marriage has been debated throughout the centuries, largely because the Sunnis reject it. The second caliph, Omar, who is widely hated by the Shi'a as the great usurper of the Imam 'Ali's position, abolished the practice, although it appears that it was permissible in the time of the Prophet. The imams, those descendants of the Prophet's daughter, Fatima, and her husband, 'Ali, who became the religious leaders of the Shi'a community until the occultation of the twelfth imam in the ninth century, have elucidated on this subject. The belief that mut'a is acceptable, and actually encouraged, is part of Shi'i dogma. Haeri (1989) offers an excellent account of the practice of mut'a in the shrine cities of Iraq and Iran and explains the rationale behind the practice.

Mut'a marriage is an institution in which the relationships between the sexes, marriage, sexuality, morality, religious rules, secular laws, and cultural practices converge. At the same time it is the kind of custom that puts religion and popular culture at odds. Whereas religiously there is no restriction for virgin women to contract a temporary marriage, popular culture demands that a woman be a virgin for her first permanent marriage. (p. 3)

It is this tension between religion and popular culture that is my concern here.

I have not elected to focus on mut'a because it is a practice that is rampant in this community. Rather, it is because people's reactions to this institution reveal so much about their attitudes towards religion.

The Practice of Mut'a in Dearborn

I had lived in the community over a year before I actually encountered Shia's who claimed to have formed mut'a marriages. The first was a

middle-aged woman who had just fled her husband, leaving behind her older children. She claimed to be homeless and through neighbors I learned of her problems. When the issue of legal assistance came up, she said that she was actually divorced from the man from whom she just had fled. However, some time after the divorce, she returned to him as mut'ee and had lived with him since. Various members of this family had problems with the law and had been imprisoned, mostly for drug dealing. My impression is that this woman simply returned to her former husband and now refers to their relationship as mut'a to preserve some sense of dignity before her God-fearing neighbors. Judging from the overall dysfunction of this family, it is highly doubtful that any contract was ever involved.

The second case was of a young man, Mahmoud S., who, as he told me, simply wanted sex. He said it was futile in his circumstances to hope that a Lebanese girl would marry him because he was still a student and had no job. He approached American women and asked if they would agree to a mut'a marriage. He reported that all of them laughed at him, except one. This woman, a divorcee, married Mahmoud temporarily. She eventually converted, at least nominally, to Islam, and they have since married permanently in the presence of a shaikh. I am told by one informant that temporary unions becoming permanent marriages is not uncommon.

In 1989, Shaikh Berri, the imam at the Islamic Institute in Dearborn, wrote a book entitled *Temporary Marriage in Islam*. Its existence indicated the level of concern regarding this issue, at least in some circles.

As time passed, I began to realize that, aside from attitudes toward religion, the issue of temporary marriage would also help illuminate this community's attitudes towards women and marriage. While initially I feared that people would not be forthcoming on this subject, I found, to the contrary, that there were many who were willing to discuss on the subject and share their personal views.

Shaikh Berri's Text

Shaikh Berri formulates his treatise in a conventional style used in Shi'ism. The English translation of Berri's text does not do justice to his facility with language. He is known for his exquisite Arabic, and though he has become quite facile with English, he did not use it to write this book. This book is based on questions he has received on the subject. The answers are framed as responses to the concerns of one young man who says that "in his heart (he feels) it (temporary marriage) is an immoral act." The young man goes on to say that he would not accept mut'a for his sisters and doesn't believe that the other maumineen brothers (good Muslims) would do so either.

Berri prefaces his comments with a scenario about a beautiful girl (whom one presumes is American) who has seduced a believer and given him AIDS. In this way, he couches his argument in favor of mut'a, substantiated by the sayings of the early Shi'ite religious leaders (imams), in terms of its being a solution to the pressures of a highly sexualized environment.

Berri condemns Caliph Omar for having made mut'a illegal. He cites proof from the Qur'an that it was permissible in the times of the Prophet. But he still seeks logical justification for the practice in these modern times. He says:

Isn't corruption to let the young men and women fall in the traps of adultery, weird sex, and homosexuality? Or is it maybe to seek God's protection, words, and his laws of marriage and the organization of sexual relationship the corruption.

Therefore temporary marriage is one of chastity and love, and a form of decency and conservatism and is not an indecency. Nor is it like the "friendship" of boys and girls which was known before Islam, and is revived by the western culture. (pp. 17-18)

He goes on to address the issue of a man allowing his sister to form a temporary marriage:

Is the standard that the brother accepts or rejects?

Isn't it first the satisfaction of Almighty God's will and then the sister herself?

Or maybe the religion of God should submit to the desires of the brother and his jealousy. Anyway some brothers do accept. Also, why would a brother in many cases allow himself to do things he prevents his sister from doing? Doesn't he do that to protect "himself" from social shame? And that "shame" is not it fake and an improper one? And did it not originate from "tradition" not the right sensing? If not, why then would he do things that he does not allow her to do? (p. 19)

While one should not forbid mut'a for virgins on general principles, Berri does not condemn the father who will not permit his virgin daughter to form a mut'a marriage, as long as permission is denied on the grounds that he is safeguarding her well-being.

Berri continues, "temporary marriage is seen as a way of avoiding sinfulness, especially during young maturity" (p. 25). It is also a means of protecting oneself from sexually transmitted disease because a man is supposed to choose a "virtuous woman" as his mut'ee. He dispels the idea that this type of union is purely for sex, but that love can exist in a temporary union, as it can in a permanent one.

He also states that "temporary marriage is not encouraged when the continuous (marriage) is available" (p. 33). Addressing the issue of "how many" temporary wives are allowed at one time, he cites some sources saying that four is the limit (as it is in so-called continuous marriage) and other sources saying there is no limit.

The young man inquiring about the practice of mut'a has strong misgivings. The idea of mut'a, especially for a virgin, runs contrary to the value Lebanese culture places on virginity. Sheikh Berri claims that the Qur'an allows the practice, but Lebanese culture does not. But Berri is himself a Lebanese and the father of daughters. A father can reject mut'a for his daughter on the grounds that it is personally not good for her. In doing this, he rejects the notion that culture is more powerful and important than religion, while at the same time, he protects the cultural norm of virginity for unmarried women. Furthermore, he reinforces the Islamic (and cultural) prerogatives given to the male head of the household.

It is, indeed, striking that he ascribes to a sister the same rights held by her brother in matters of sexuality (although he also indicates that the father has authority to forbid the union). It can be argued, of course, that he is simply giving the mujtahid's opinions on the matter. But Berri has carefully selected what he has presented about mut'a. What he has given us is not a hodgepodge of quotes from the imams and the mujtahids. Indeed, Khomeini and other ayatollahs are far more ardent in their encouragement of the practice than is Berri. Rather, Berri is responding to issues of Lebanese culture and the problems he is having to deal with in the United States. By saying that a girl can elect to form a mut'a, he is giving a way out to the headstrong girl, who, defying her parent's authority, has a sexual relationship with a man outside of marriage. Meanwhile, he is still protecting the rights of the father.

When I interviewed Husein¹, a man affiliated with the Shaikh Berri's mosque and one who has a close ear to the ground in the community, he said that, while it is not recommended that a young girl form a mut'a marriage, he could see that in the case of a rebellious girl who wanted to have a sexual relationship, mut'a could be a solution. By Shaikh Berri's stating that the possibility exists for a girl to form a temporary union, he is discouraging families from taking drastic measures against her. By drastic measures, I am referring to the possibility of killing the girl, something that was not unusual in Lebanon, especially in the Beka'a. In fact, in 1987 in Dearborn, a Shi'i man killed his teenaged daughter on the grounds that she was having an affair with a man and destroying the honor of the family.

In this text Berri is addressing young, unmarried men who are not yet in a position to marry. He is attempting to discourage casual sex and is encouraging sex within religiously sanctioned parameters. When he addresses the issue of married men forming mut'a marriages, he cites traditions that discourage the practice for married men, though he could easily have found ones that do the opposite. He chooses to quote from

1. Pseudonyms have been used for the names of those interviewed.

the Imam Al-Rida, who is reported to have said “but do not persist on pleasure marriage where it would keep you occupied from your continuous wives. Then they would reject the faith, complain, and then accuse us and curse us” (p. 34).

Shaikh Berri has given us the legalistic view, albeit a relatively conservative one in comparison to that of other ulama of the practice of mut’a. The question now arises as to how this view fits with that of the community.

Community Attitudes Toward Mut’a

For elderly Hajja Fatma, the worst thing a person can do is to commit stupid acts—things that are haram (forbidden)—stealing, drinking, becoming mut’ees. Like Fatma, young Nadia is also from the Beka’a and also hates mut’a. “It should never be allowed”, she says. Nisrene, from the religiously strict village of Nabitiyyeh, doesn’t like it either. “If you want to get married, do it the ordinary way.” From Bint Jubeil in southern Lebanon, Leila, still in her teens but married with a baby, says that mut’a is haram. “Only Hizb Allah (the militant Shi’ite forces who favour an Islamic republic in Lebanon) have mut’a.” In her home village in Beka’a, ‘Aiya has heard that mut’a is now practised and is causing a great deal of trouble in families. “It’s all because of Hizb Allah,” she said. “We never had mut’a there before.” Elderly Um ‘Ali, who recently made her pilgrimage to Mecca, and who originates from Ba’albek and a Beirut suburb, says that mut’a is “against religion.”

Khadija dissents from this view. A “born again” young woman, who spent her school years in America wearing blue jeans and listening to rock music, heartily approves of the practice. Now wearing a gigantic scarf and flowing coat she lectured me on the virtues of mut’a, which she supports “100 percent.” She said, “it is a rule sent by God to man. We cannot forbid it because of this.” I asked her for her personal opinion on the matter, but she said she could not give me one, that she must tell me only what is written in the books:

Mut’a is to protect society. It is for married men, but not married woman because man and woman are different. Man has a much stronger sex drive. A woman isn’t always interested in sex like a man is. When a woman is pregnant or menstruating she has to refuse her husband because it is makruh (undesirable but not prohibited) to have sex during these times, at least during menstruation. After all, you can have a deformed child if you get pregnant during your period. So, a man can get a mut’a. She cannot stop her husband from doing this. She should not ask him about it even.

Having rejected everything American, and with a young convert’s single-mindedness, Khadija is ardent in her “fundamentalist” approach to Islam and considers an Islamic republic to be the ideal form of government. There are others in this community who share her

religious/political views, but I have yet to hear such a forceful defence of mut'a from any other woman. Those who follow Islamic law carefully tend to pay lip service to the practice. And they all agreed that it was not for a virgin and did not see it as being for married men either. Zahra, also part of the earlier immigration and, who, like Khadija, has opted for a strict interpretation of Shi'ism, tended to justify mut'a on the grounds that it was part of religious dogma. She realises that her husband is entitled to have a mut'a, and they have discussed the subject. He, apparently, has no intention of getting one, which Zahra admitted was good because she would "probably kill him," if he did. She also said that she saw it being abused by young, single men, and she was not hesitant to chastise them for this.

It was almost unanimously held that mut'a was not for virgins. The dissenting view came from an interesting source. The one woman I interviewed who rejects religion for leftist ideology, said that she saw mut'a as a good way to legitimize sex for unmarried women, though, she added, such a thing wouldn't be socially acceptable.

Amal, a woman who follows Islamic law carefully, but avoids the political aspects of religion, claimed that she does not agree with mut'a. This raised the hackles of an Iraqi woman who asked, "how can you not agree with something your religion preaches? You might not like to practice it, but to say you don't agree with it is wrong." This is the "religiously correct" response for the Lebanese women, but, apparently, they do not all hold it yet. Most of them reject the practice quite emphatically.

How do these responses fit with those of the men? The following selections give the range of comments.

'Ali S., a young, married, college-educated man from the south of Lebanon said, "Perhaps mut'a was a reasonable practice in the early days of Islam, but it has lost its purpose as far as I am concerned. It is no different than dating. Just because the name of God is said, doesn't make it good."

Khalid, also from south Lebanon and with a college education but more religiously learned than 'Ali, replied initially, "it is legal prostitution." He then retracted this statement and admitted he was confused about the issue. "It is supposed to be a religious thing, and I guess I am leaning towards accepting it, but I don't quite see how a man can have more than one wife." He found it more acceptable for a single than a married man. But he thought only a divorced or widowed woman should be a mut'a.

'Ali H., a college student from the Beka'a, said that he dislike mut'a and that it was something of which only Hizb Allah approved. Ashraf, a college graduate who grew up in the Beirut suburbs, could not find a

justification for mut'a but was being pressured by a relative sympathetic to Hizb Allah to form a mut'a marriage.

Muhammad T., who grew up in the United States and worked in a factory all his adult life, sees mut'a as a good idea especially in view of the current conditions in America. "Every man can have a mut'a," he said, but quickly added that he has never had one. (His wife was in the other room at the time watching TV and seemed not to be listening. However, when he made this last comment, she looked at me with a smile that said, "he knows what's good for him.")

But there are men who both approve of the practice and follow it. Muhammad F., a college student, is one of them. "It is a good solution for us because we are young students and it is our only choice." This way, he said, they could have sex and not go against Islam. I asked Muhammad if it was possible to form mut'a marriages with Lebanese girls. He said that "a man could form a temporary marriage with a free woman—one who is divorced, widowed, or a virgin over eighteen if, that is, she is living in the United States. If she is in Lebanon she is under her father's or brother's guardianship, but not so here." He added that he rejected the Lebanese cultural attitudes against virgins being mut'ees.

Muhammad, young, serious minded and pro-Iranian, serves as a model for the sort of person who will form a mut'a marriage in this community. But he's not the only type.

Selim, unmarried, and a nightclub swinger on Saturday nights, but in the mosque² on Sunday mornings, was, in some respects, more liberal in his interpretation of mut'a than anyone else with whom I spoke. Any man, whether married or not, according to him, can have a temporary marriage, though he should "know the woman first" and not just walk up to her and propose mut'a. The woman, he believes, should be divorced or widowed.

Selim parts company with almost everyone else I interviewed. According to my findings, those who believe a married man can form a mut'a relationship, nonetheless do not usually form them themselves. Mut'a remains, for them, a theoretical proposition, so to speak. A few older men, and I noted that they were ones who had spent long periods of time away from their wives at certain points in their marriages, said that mut'a was a way for them to meet their sexual needs while

2. In Salim's case, the mosque refers to the Islamic Center of America, the first of the Shi'ite mosques in the Detroit area and the one most heavily attended by the earlier, more assimilated Muslims and their descendants. However, those who favor mut'a are more likely to attend the other mosques which were founded by recent immigrants concerned with stricter interpretation of religious law. For further discussion regarding the distinctions among these mosques, see my doctoral dissertation, "Shi'i Islam in an American Community," 1991.

remaining within the law of Islam. Generally, though, those who do form mut'a relationships are the unmarried young men who do not see themselves as able to take on the responsibilities of marriage, but are eager not "to sin." However, as college student Issa added, mut'a must not be taken lightly. If the woman becomes pregnant, it is up to the man to support the child.

Nuri's case was quite exceptional and indeed most surprising. Around forty years of age and the image of the Lebanese nightclub entertainer, he was married to and had children with a Muslim woman. Having spent most of his life in America before the new wave of immigrants arrived, he had adjusted to American society more than many. Therefore, I was startled to learn that he himself had a mut'a wife. He told me that she was also Muslim and Arab, but not Lebanese. Furthermore, the union was formed in the presence of the shaikh and people were invited to the occasion. However, the marriage was not a legal one in American law. He told me that a man is entitled to up to four wives if he can treat them all equally. He assured me that he could treat his two wives, one of whom he referred to as a mut'a wife, equally. Actually, I believe he has confused the two types of marriage, permanent and temporary. However, by calling his second marriage, mut'a, he has found a way around the American law of polygamy.

Discussion

While the views expressed here are admittedly diverse, there are some definite themes.

It is apparent that mut'a was not a burning issue in Lebanon before the Iranian Revolution. A number of the people with whom I spoke had only become aware of it recently and since they had come to the United States. It is certainly not viewed as being a Lebanese tradition. The fact that Fatma knew of the practice, as did the older woman who returned to her divorced husband as "a mut'ee," suggests, though, that the idea is not completely foreign to the Lebanese. In fact, it was probably only practised by shaikhs and women who somehow found themselves on the periphery of society, much like Haeri discovered in Iran. In Lebanon, though, far away from the shrine cities, it was presumably practised on a much smaller scale.

The overall consensus of the community is that, at best, mut'a is a hard pill to swallow. The women I spoke with, both formally and informally, overwhelmingly tended to express their dislike for the practice, and I often heard it said that it is against religion. Some women, who themselves are strict in their adherence to religious law, have brothers who have formed mut'a unions, and they were quick to justify their brother's behaviour. However, they also mentioned the limitations imposed on the union. They want mut'a to be seen as a serious matter

and something very different from the “boyfriend-girlfriend” relationships found in the United States.

While more men tended to accept the practice as being justifiable, there was still no overwhelming praise of the practice. Mr. S., a mechanic from Beka’a said that it was acceptable for a man to form a mut’a marriage if he were going to be away from his wife for a long period of time. However, he added that it was far preferable for him to be loyal to her.

Only those who had completely accepted the “new” Shi’ism from Iran would contemplate the notion of a virgin as a temporary wife. And not even all of them would. Husein is a case in point. While he knew such a thing was religiously permissible, his Lebanese values kept him from truly accepting the idea.

Shaikh Berri’s book on the subject of temporary marriage has not become a best seller in the community. Except for women like Khadija and her close acquaintances, the few women whom I have known who are curious to know what is contained in the book are too embarrassed to go to the bookstore to purchase it. They fear that the shop owner will think they want to apply the practice to themselves.

Whether or not people read the book, or even know of its existence, there is obviously a growing awareness of the practice as well as a growing concern that young men will “misinterpret” the use of mut’a, that is, seduce Lebanese girls into forming temporary unions. Um Hamood, well-educated in the teachings of Islam and very strict in her interpretation of the Islamic law, scolded a young man who formed a mut’a marriage with a girl. She asked him if he would allow his sister to form such a union. She said that “this shut him up.” She conceded that it was acceptable to form a mut’a if one cannot marry but added that, “we really hate this practice.” Though I have been led to believe that most of these mut’a marriages are with Americans, it is obvious from the comments of Um Hamood and of others that some Lebanese girls are involving themselves in these unions. Should the girls in this community see mut’a as a way to legitimately fulfil their sexual needs, this community could face extraordinary turmoil in the near future; turmoil that, I believe, would ultimately force the extinction of the practice in Dearborn.

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S.O.S. Algeria: *Women's Human Rights Under Siege*

Karima Bennoune

The current violence in Algeria is both tragic and deeply alarming in its scope and intensity to all observers, but it is especially heartbreaking for those who have followed the country's history for the last 40 years. Algeria was once a symbol of progressive anti-colonial struggle which brought women and men together to fight for their basic human rights. Djamila Bouhired and the other women fighters in the war of national liberation became the international symbols of Algeria's freedom struggle and were revered throughout the Arab World. After independence, the country was famous as a supporter of global progressive movements, harboring Black Panthers and exiles from Pinochet's Chile, and spearheading the non-aligned movement. Today, Algeria is on the road to national suicide, complete with terrible atrocities committed by citizens against other citizens, internal corruption, and external manipulation. Algerian women are again shouldering heavy burdens in the conflict, and are once more becoming symbols of the fight for human rights and justice in their country. A nation which paid with the lives of one in seven of its population during its war of independence is again losing its children. The number of people killed since 1992 has been estimated as anything from 4,000 to 30,000. The official Algerian government tally, released in August 1994, counted 10,000 Algerians dead.¹ The Western press now often cites the figure of 30,000 casualties since 1992.² Many of these victims have been women who have been increasingly targeted.

While recounting atrocities by itself does not explain the crisis in Algeria, documenting the unfolding horror is a prerequisite to any meaningful discussion of the current problems facing many Algerian women. Consequently, this chapter will begin with an overview of the suffering currently inflicted on Algerian women, primarily by

1. See e.g., Human Rights Watch World Report 1995: Events of 1994 (Human Rights Watch), p 256.

2. See e.g., Youssef Ibrahim, 'As Islamic Violence Accelerates, Fears of a Showdown in Algeria,' New York Times, 22 February 1995, p. A6.

fundamentalist³ violence. The next step is to look beyond those crimes to the ideology and movement which motivates them, and thereby attempt to understand what is at stake in Algeria today and what the meanings of the country's internal conflict are, both for the nation's future and for women throughout the region.

This article cannot possibly contain a full account of recent events in Algeria, nor does it mean to condone human rights violations by the Algerian government because its focus is on the abuses committed by fundamentalists. According to Algerian human rights organizations, international human rights organizations, and press reports, the violations of the government have included extra-judicial executions, administrative detention and the use of torture. Using respect for human rights as the criterion for the evaluating legitimacy would disqualify both the Algerian government and fundamentalist groups from the right to govern Algeria. However, fundamentalist ideology and activity unquestionably pose a unique and overwhelming threat to the lives of Algerian women.

***Living in a Waking Nightmare:
Fundamentalist Atrocities Against Women in Algeria,
from 1992 to the Present***

The fundamentalists are hunting women.⁴

I thought of buying poison so I can kill myself if taken by them alive, so all they get is a corpse. I am losing my hair from nerves.⁵

Killings

At the offices of an Algerian newspaper in early December 1994, a woman journalist said with quiet firmness, 'Go and tell them what is happening here. How shocking it is that so many outside do not know, that so many are ignorant and are silent. In Algeria every day women are

3. This is a somewhat problematic and controversial term. However, the author greatly prefers it to 'Islamist' which seems to imply that there is something unique to the Muslim religion which captures the essence of such movements. The term 'fundamentalist' puts the phenomenon in the context of similar movements in other religions, which, although each shaped by its specific socio-economic context, share a particular historical moment. For a well-thought-out discussion of definitions of fundamentalism, see Ayesha Imam, 'Women and Fundamentalism,' in *Women Living Under Muslim Laws Dossier*, 11/12/13, p. 13.

4. Interview with woman journalist who asked that her name not be used, conducted by the author at La Maison de la Presse, Algiers, 28 November 1994. Many of the names of women quoted or discussed in this article have been omitted, shortened or changed altogether for reasons of security. This was often done by the author at the direct request of the woman informer and is either clear from the text or has been noted.

5. Interview with woman journalist, La Maison de la Presse, Algiers, 28 November 1994.

being kidnapped, raped, mutilated, tortured to death and killed by members of fundamentalist armed groups which the United States government helped to train and with whom it continues to urge the Algerian government to dialogue.⁶ The principal armed groups are known as GIA or Armed Islamic Group, the MIA or Armed Islamic Movement and the AIS or Army of Islamic Salvation. Among the armed groups, the GIA is believed to be the leading perpetrator of attacks on civilians.

One of the first women to be assassinated in the current wave of violence was 21-year old Karima Belhadj, who worked as a typist in the youth and sports department of the General Office of National Security. Karima supported her entire family of eight with her paycheck and was engaged to be married. She was shot repeatedly in the head and abdomen while walking home from work, and died in the hospital on 7 April 1993.⁷ Many women were utterly shocked by the murder of Karima Belhadj and for many this event represented a new phase in the conflict, a phase in which the deliberate targeting of women on an ever-widening scale became the norm.⁸ A young woman journalist expressed the impact of the event: 'We thought at the beginning that women would be okay. But when they killed a 21-year old woman who worked as a secretary in a police station, we realized we were wrong. Women are afraid. No one is safe.'⁹

What follows is the smallest sampling of the escalation in atrocities against women since Karima Belhadj's murder:¹⁰

6. See F.B., 'USA: Pour la poursuite du dialogue?' *El Watan*, 6 November 1994, p. 3.

7. See 'Deliberate and Arbitrary Killings of Civilians by Armed Political Groups in Algeria: Repression and Violence Must End,' Amnesty International, October 1994, AI Index: MDE 28/08/94. See also, National Human Rights Observatory, 'Attentats contre les personnes,' Table containing a partial listing of women killed, raped and attacked between October 1992 and March 1994. The National Human Rights Observatory was originally founded by the Algerian government but has proved to be independent, objective and dedicated in its human rights work. Twelve of its 42 board members are selected by nongovernmental human rights organizations. See also, Selim Ghazi, 'Terrorisme: ces femmes qu'on assassine,' *El Watan*, 8 March 1994, p. 1.

8. The targeting of women was one prong of the fundamentalist armed groups' strategy, a strategy which included the deliberate targeting of intellectuals, journalists, teachers, athletes, musicians, writers, professors, lawyers and other civilians of both genders. See Flora Lewis, 'The War on Arab Intellectuals,' *New York Times*, 7 September 1993, p. A15.

9. Interview conducted by the author with Naziha X (pseudonym), Algerian woman journalist at La Maison de la Presse, Algiers, 27 November 1994.

10. While only a few of the attacks on Algerian women have received press coverage in the United-States, the phenomenon has filled the Algerian press. See, e.g, Algerian Press Service, 'Terrorisme: vingt-cinq femmes assassinées,' *El Watan*, 7 March 1994, p. 1; Mahfoud Bennoune, 'Comment l'intégrisme a produit un terrorisme sans précédent,' *El Watan*, 6 November 1994, p. 7; Ahmed Ancer, 'Journée internationale de la femme: 8 mars de deuil,' *El Watan*, 8 March 1994, p. 1.

23 January 1994: In the city of Tiaret, Mrs Derouche Mimouna, 28 years old and mother of five children, is decapitated in front of her family.¹¹

25 February 1994: In Sidi Bel Abbes, two sisters, aged 12 and 15, are kidnapped and raped in the forest.

3 March 1994: In Tlemcen, a 69-year-old woman named Samia Hadjou is killed by having her throat cut.

23 July 1994: In Chlef, a 37-year-old working woman is killed in front of her children and her decapitated head is left in the street as a warning to others. Reportedly, her young children attempted to run into the street and retrieve their mother's head.

7 November 1994: Birtouta, Blida region: The bodies of two young sisters, Saida (15) and Zoulikha (21) are found on the side of the road. They have been gang raped, their fingernails and toenails have been removed, and, as the final horror, their throats have been cut. They have been thus 'punished' because they refused to consent to a temporary marriage or 'Zaouadj el-mouta' with fundamentalist armed men. Their mother Khadidja, who attempted to protect her daughters, was found 20 days later in a mass grave, having been raped and killed like her children.

Given the growing frequency of such occurrences, it is understandable why two young women I met expressed the desire to carry poison with them, so that they might take their own lives if captured. As journalist Ouessila Si Saber concluded, 'It is not an easy death, the women victims must suffer first, before dying.'¹² Despite the danger, Si Saber and many other Algerian journalists continue to sign articles about the attacks on women and to live and work in Algeria. It is largely due to their work, and that of increasingly besieged human rights workers, that documentation of the onslaught against women's rights is available.

'Dying Beautiful': Violence and the Veil

Having visited Algeria in February and then in December of 1994, I was startled by how greatly the violence against women had escalated.¹³ The heightened pressure on women to veil is but one example. In March

11. For all these cases, see National Human Rights Observatory, 'Attentats contre les personnes,' op. cit.

12. Ouessila Si Saber, 'Birtouta: la mère des deux filles a été retrouvée: de nouveau l'horreur', *Le Matin*, 27 November 1994, p. 1.

13. For example, compare, Karima Bennoune, 'Algerian Women Confront Fundamentalism,' *Monthly Review*, September 1994, and Karima Bennoune, 'The Struggles of Algerian Women in 1995: To Be or Not To Be,' in *Newsletter of the Association for Research on Algerian Women and Cultural Change (ARAWOC)*, Winter 1995, No. 1.

1994, the Armed Islamic Group (GIA) issued a statement classifying all unveiled women who appeared in public as potential military targets. To punctuate this threat, gunmen on a motorbike shot and killed two young high school students, Naima Kar Ali, 17, and Raziqa Melou-Ladjmi, 18, while they were standing at the bus station in Boumerdes, about 40 kilometers east of the capital.¹⁴ Katia Bengan, a 17-year-old high school student in Blida, had already been gunned down in the street while walking with a veiled friend on 28 March 1994.¹⁵ Katia had been warned by local fundamentalists, but refused to veil. Her friend was reported to have been left alive because she was veiled.¹⁶

The campaign to force women to veil has been relentless. A woman professor who taught at the University of Blida until she stopped recently for security reasons said that most of the women students had begun to carry a scarf in their briefcases to put on before entering the University campus.¹⁷ She and another woman professor both described the impact of flyers and graffiti. They pointed to one particular slogan which appeared throughout Algiers during Ramadan in 1994. It warned, 'O you woman who wears the jilbab (full robes), May you be blessed by God. O you who wears the hijab (headscarf), May God put you on the straight road. O you who expose yourself, the gun is for you?'¹⁸ While in Algiers the majority of women remain unveiled, in rural areas and smaller towns, the pressure has forced many young girls and women to begin veiling. As one 22-year-old woman from Tlemcen expressed the mood of many young women students: 'None of us want to wear the veil. But fear is stronger than our convictions or our will to be free. Fear is all around us. Our parents, our brothers, are unanimous: Wear the veil and stay alive.'¹⁹

The pressure on women to wear the hijab highlights the use and

14. See Salim Ghazi, Boudouaou, 'Deux lycéennes assassinées,' *El Watan*, 31 March 1994, p. 1. See also, Youssef Ibrahim, 'Bareheaded, Women Slain in Algiers: Killings Follow Islamic Threat,' *New York Times*, 31 March 1994, p. A3.

15. See 'Algeria: Amnesty International Concerned by Growing Number of Killings,' Amnesty International, AI Index: MDE 28/WU 02/1994, News Service 57/94.

16. Howard LaFranchi, 'Algerian Women Wary as President Renews Dialogue With Islamists,' *Christian Science Monitor*, 13 April 1994.

17. Interview with Professor Fatiha X (pseudonym), conducted by the author in Amman, Jordan at the Arab Regional Preparatory Meeting for the Beijing International Conference on Women, 6 November 1994. Professor Fatiha stressed that women are still teaching at the University of Blida despite the tremendous risks and constant threats.

18. Interview conducted by the author with Professors Fatiha X and Zohra X in Amman, Jordan, 5 November 1994.

19. Fatima B, 'Perspective on Human Rights: Wearing the Veil, Under Penalty of Death; In their Quest to Root Out 'Western Corruption' Islamic Fundamentalists Declare Open Season On Algerian Women,' *Los Angeles Times*, 1 April 1994, p. 7. Fatima B. is the pseudonym of a 22-year old Algerian woman. The article was translated into English by the French Committee for Intellectuals.

misuse of concepts such as 'traditional' in relation to events in Algeria. While Algerian women have worn the haik, a white silk cloak covering the head with a lace kerchief over the lower part of the face, for centuries, the hijab and jilbab which the fundamentalists seek to impose are relatively new, having been brought to Algeria only in the late 1970s. The chador, which is worn by only a few women, began to be seen around Algiers in the late 1980s and is also clearly a foreign import. Algerian peasant women have never veiled, but have instead worn scarves tied only over part of their hair.

'Layadjouz': Forbidden Lives

Behavior such as working in non-traditional professions, for example as a school principal or woman activist, is deemed layadjouz or forbidden, and has led fundamentalist armed men to 'execute' women.²⁰ Women activists have been particularly targeted both with threats and violence. The killing of Nabila Djahnine, a 35-year-old architect who headed a Berber women's group called The Cry of Women, in Tizi Ouzou on 15 February 1995, is but the latest tragic example.²¹ Many women activists live in hiding, some moving every few days to avoid attack, and even having to be separated from their spouses, children and families for security reasons.

Paradoxically, while women have been killed for playing 'untraditional' roles, they have also paid with their lives for participating in 'traditional' activities. Working as a fortune teller, running a Turkish bath or hammam, or even being a hairdresser have brought death on women because such activities have been deemed immoral by fundamentalists.²² Other women have been threatened because they are accused of being witches, particularly local traditional fortune tellers.²³

Another 'punishable offense' is marriage to a non-Muslim man. An Algerian woman married to a Belgian man was 'executed' along with her

20. For example, Z'hor Meziane, director of Si El Haoues primary school in Birkhadem, a suburb of Algiers, was shot and killed inside her school on 27 February 1994. Ms Meziane, who was married and had three children, was a veteran of the war of national liberation and a practicing Muslim. She had been a teacher for 20 years and had served as school principal since 1980. Prior to the attack, she had received death threats. See Hassane El-Cheikh, 'Terrorisme, une directrice assassinée: le corps enseignant visé,' L'Hebdo Libéré, reprinted in Rassemblement Algérien des femmes Démocrates (RAFD), Pour une Algérie debout.

21. See 'Militants Suspected of Killing Feminist,' New York Times, 16 February 1995, p. A7.

22. A 60-year-old woman fortune teller was raped and had her throat cut in Kherrouba near Boumerdes on 15 December 1993. See Ghazi, 'Terrorisme: ces femmes qu'on assassine,' op. cit., p. 1. A 38-year-old woman from Berrouaghia who ran a small business as a herbalist reported that she had received a letter containing death threats and accusing her of witchcraft. 'Fiche de Synthèse de Zohra X,' October 1994, ONDH.

23. See, e.g., National Human Rights Observatory, 'Fiche de Synthèse, Affidavit of Zohra A., 38 years old and a widow.' Complaint from 10/94.

husband in January 1994.²⁴ The woman and her husband had lived together in Algeria for 30 years at the time of their deaths.

Rape: 'Nothing is More Traumatizing Than This'²⁵

In addition to killings, rape and gang rape are reportedly on the increase. Kheira X, a young Algerian girl from the interior of the country, gave an interview to the Algerian newspaper *El Watan* describing her ordeal when kidnapped by the members of an armed group:

They threw me in a van without windows and drove for hours on end ...They then took me into a kind of cave, where there was already an old woman. A few hours later, three men came to find me. The woman who was close by me was crying quietly. One of them struck her, then they left.²⁶

One of the first women to report being gang raped by members of the fundamentalist armed groups was, ironically, the wife of an Imam, Akila Belarbi.²⁷ This occurred in the town of Maalma, 150 kilometers from Algiers. Later rapes were reported in Jijel, Oran, Ain Defla and M'sla, as well as in Bouira which is only 200 kilometers from Algiers.²⁸ In Bouira, a 9-year-old girl was the only survivor of the fundamentalist massacre of her entire family, but she was raped and clubbed in the head.²⁹ In Boumerdes, east of Algiers, a middle-aged woman seamstress was kidnapped by the local 'Emir' and then beaten, tortured and collectively raped, by many armed men. She reported this to the National Human Rights Observatory.³⁰

The kidnapping of young girls and women for use as sex slaves by the armed groups became so widespread that, in a totally unprecedented move for a society where sexuality remains a taboo subject of public discussion, three young women between the ages of 15 and 28 who had survived similar ordeals appeared with their fathers on Algerian national television on 22 December 1994, to speak about their experiences.

24. See Bennoune, 'Algerian Women Confront Fundamentalism,' op. cit., p. 28.

25. Comment from Ouessila Si Saber after attending the exhumation of the body of the mother from Birtouta, described above.

26. Amel Boumedienne, 'Quand les femmes sont un butin de guerre: le martyre de Kheira,' *El Watan*, reprinted in *Le Nouvel Observateur*, No. 1576, p. 30.

27. See National Observatory of Human Rights, 'Attentats contre les personnes,' op. cit. See also, Ghazi, 'Terrorisme: ces femmes qu'on assassine,' op. cit., p. 1.

28. See 'Attentats Contre les Personnes,' op. cit., which among other atrocities, details the rapes of a 60-year-old fortune teller named Zohra Semmir in December 1993 in Kherouba and two 17-year-old girls, identified only as Fadhila and Fatma B, on 5 December 1993 in Relizane. The rape of Fadhila and Fatma is also discussed in Ghazi, 'Terrorisme: ces femmes qu'on assassine,' op. cit., p. 1.

29. See 'Le Martyre de Kheira', p. 31.

30. National Human Rights Observatory, 'Fiche de Synthèse,' 26 October 1994, on file with author.

Fifteen-year-old Khadidja told a shocked Algerian public of being kidnapped at gunpoint from her parents' home in front of her family, kept in a 'safe house' for several weeks where she was forced to cook and clean for 'God's warriors' and repeatedly raped.³¹

A 17-year-old girl pseudonymed Ouarda testified in the press of her months in captivity in an armed group stronghold where she also was repeatedly raped until pregnant. After being kidnapped off the street while returning home in downtown Algiers, she was kept with a group of other young girls, one of whom was shot in the head and killed when she tried to escape. 'Ouarda' described the first rape:

The made all the other girls leave and the terrorists came in with me carrying their arms. One ordered me to take off my pants. I refused, saying that what he wanted to do was not good and that God condemned it and we were not married. He threatened me with his knife saying that he would slash me and that he would do whatever he wanted to as God would permit him because he is a moujahid and he would marry me later ... I was really afraid when he placed the blade of his knife against my cheek. I took my pants off, crying. He told me to take off my underpants. I screamed and refused. I begged him, saying that this was shameful in God's eyes but he took a cigarette and lit it and began burning me on the thighs. I screamed and closed my eyes with my back to the wall. He burned me again and I fainted. I did not feel anything else. When I regained consciousness, I was on the ground covered in blood.³²

Women survivors are threatened with further punishment, and in the case of rape with shame, in fear and often in silence, even after assault has ceased. Many of these women have either gone into hiding or fled to other parts of Algeria, becoming part of an increasingly large community of internal refugees seeking safe haven in other cities. Furthermore, the general climate of terrorist violence against women has produced its desired effect: a widespread psychosis and insecurity among the female population at large.³³

Threats: Words That Change Lives

An even wider group of women than those who have actually experienced violent attacks have been subjected to harassment and threats; and, given the level of ongoing violence, these threats are terrifying and profoundly life-altering. Some women are threatened

31. Zazi Sadou, 'Les ravages de l'intégrisme: le martyre des femmes violées,' El Watan, 24 January 1995, p. 3.

32. Ibid., p. 1.

33. This is exactly the condition described by a young woman participating in the large 22 March 1994 anti-fundamentalist demonstrations in Algiers. She was quoted as saying, 'There's a national psychosis.' 'Algeria: Terror at Large,' The Economist, 26 March 1994, p. 46.

doubly, as women and also as members of other targeted groups like teachers. Few have paid as high a price as journalists of the print and visual media.³⁴ A 25-year-old woman journalist recounted the events which sent her into hiding, living in a cramped hotel now used to protect the increasingly vulnerable journalist community.

I found my name on a list in the local mosque. It said that I am an apostate and should be killed. It said that I would be killed in the next few days. Fear is human. I was afraid. I thought of Tahar Djaout (journalist murdered in 1992). He said, 'If you speak out, they will kill you. If you keep silent, they will kill you. So speak out and die.' I won't hide it from you, I was really afraid. I tried to hide and I tried to keep writing.³⁵

Teachers and other members of the educational profession have been particular targets as part of the ongoing fundamentalist campaign against modern education. This has included attacks on students and teachers and the burning of hundreds of schools, as well as threats against all who continue to participate in the educational system.³⁶ A woman school inspector received the following threat in February 1994:

For [Miss X], School inspector, If you do not solve the problems of Muslims which you have created before the end of Ramadan, you will have your throat cut like all tyrants and sinners, The conditions on you are 1) Wearing the hijab permanently after the first day of Ramadan, 2) asking forgiveness from the Muslims that you have made suffer in your behavior as a tyrant, 3) we are watching you and we know where you live. We are not afraid of the police or the gendarmes but we will cut your throat before the end of Ramadan. If you do not [meet these conditions] before the end of Ramadan, you are responsible. We warned you before cutting your throat.

[Signed] The Islamic Group of El Harrache, Head of the Group Azedine, Long Live Islam, Long Live the GIA, the armed struggle for an Islamic state in Algeria.³⁷

The school inspector has been in hiding ever since. She has been forced to alter her work schedule significantly, and to have only extremely limited contact with her family. In the wake of the threat, she

34. Most recently, on 21 March 1995, television journalist Rachida Hammadi, 32, was seriously injured by gunmen when leaving her parents' home. Her sister Meriam, 36, was killed when she tried to protect Rachida by throwing herself in front to shield her. See Nora Boustany, 'Journalism: Algeria's Fatal Profession,' *Washington Post*, 23 March 1995.

35. Interview conducted at La Maison de la Presse, 28 November 1994, Algiers with Nabila X.

36. See Human Rights Watch, *op. cit.*, p. 257.

37. This threat was shown to author in February 1994. See Bennoune, 'Algerian Women Confront Fundamentalism,' *op. cit.*, p. 28.

experienced terrible emotional stress, remarking in February 1994 that she felt as if she were 'living in a waking nightmare.'³⁸

In October 1994, Nadia X, a woman doctor in a suburb of Algiers received death threats from within her hospital. Her husband began accompanying her to and from work and the entire family suffered greatly from stress. The doctor said sadly, 'It is so disturbing after all I've tried to do, remaining a doctor in the public health system, that someone out there hates me that much. You ask yourself: why?' Her daughter, a college student, interrupted angrily: 'There is no reason why.' She softened, and in a quieter tone said, 'A letter like that changes your life.'

Similar threats, and the knowledge that such threats are acted on, have provoked a mass exodus of Algerian professionals to Europe, Canada and elsewhere. Increasing numbers of Algerian women are currently seeking political asylum in the United States, with mixed results. Many are in great conflict over the decision to leave and face the difficult choice of whether it is a stronger stand against intolerance to stay and die or to leave and live.

'Touched for Life': Women as Witness to War

Women have also suffered from violence against family members. In a new twist, men are now being killed for the political views and activities of their wives. For example, Mohamed Redha Aslaoui, a dentist and the husband of Leila Aslaoui, a former judge and government minister who resigned from the current government in protest at its policies and spoke out against the fundamentalists, was assassinated by men who came into his office.

Often, a woman whose family member is killed will receive threats if she identifies the killer to the authorities. Mrs. X Kaddour whose husband was murdered, reported to the National Human Rights Observatory that in July 1993 she was 'condemned to death' for reporting the killing of her husband to the police.³⁹ She was forced to flee to another area of Algeria. A mother, identified only as B. Rabah, whose son and nephew had been kidnapped, murdered, and dismembered by one of the fundamentalist armed groups received a threatening letter on 14 May 1994, condemning her to death and stating that her other son would be murdered just like his brother if he did not stop singing, because it is sinful.⁴⁰

38. Interview with Sadia X, Algiers, February 1994.

39. Affidavit, 'Menaces de mort,' document from the National Observatory of Human Rights, on file with the author.

40. Fiche de Synthèse, 'Menace de mort,' on file with the National Human Rights Observatory in Algiers, Algeria. Affidavit taken on 16 May 1994.

When not directly attacked themselves, women have had to bear witness to the terrible whirlwind of killing around them. Almost every woman has lost a neighbor, a friend or a family member and they have often had to watch these deaths, unable to stop them. A male journalist described to me the impact of one incident on his wife:

My wife was there [when Abderrahman Cherbou, a journalist was killed]. They put a bag over his head and attacked him with a knife. He still had the bread he had bought in his hand. He tried to run away with the blood spurting from his throat. This is how my wife saw him and she is touched for life with this. He died twenty minutes later from loss of blood.⁴¹

An overwhelming sense of powerlessness and uncertainty about the future is becoming pervasive. Some women professors have spoken of the growing 'collective psychosis' produced, particularly among women, by the escalation in violence during 1994. Commenting on the horrors about which women survivors had told her, journalist Zazi Sadu remarked:

Kidnappings, rape, torture, assassinations, 'dishonor', flight, exile, permanent fear of reprisals, nightmares, hopes and futures broken... Here is a sample of what the soldiers of the Islamic State offer to women and their families, only five years before the dawn of the 21st century.⁴²

Roots of the Nightmare: Fundamentalism and Violence against Algerian Women Before 1992

For some, the violence of the Algerian armed groups against women has come as a terrible shock. It is certainly unprecedented in the history of independent Algeria. However, for many Algerian feminist observers and critics of both the fundamentalists and the government, the violations of women's human rights are but the logical conclusion of the ideologies of the political wing of the Algerian fundamentalist movement and the irresponsible policies and corruption of successive Algerian governments which helped to spawn that movement.⁴³

Throughout the 1980s, the government of Chadli Beniedid (president 1979-92) collaborated closely with the burgeoning fundamentalist movement. The fundamentalists provided the government with allies against progressive forces and discouraged populist challenges while the

41. Interview conducted by the author in La Maison de la Presse, Algiers, 28 November 1994.

42. Sadou, op. Cit., p. 3.

43. For more background, see generally Karima Bennoune, 'Between Betrayal and Betrayal: Fundamentalism, Family Law and Feminist Struggle in Algeria,' Arab Studies Quarterly, Winter 1995.

public sector was dismantled. Fundamentalist ideology served to harness and deflect popular anger and frustration with the economic devastation wrought by 'reform,' corruption and mismanagement. If the real problems in Algeria were not the housing crisis or the medicine shortage, but rather a lack of religiosity and cultural impurity, the government's major failings could be overlooked. All the regime had to do was allow the fundamentalists to organize, to create its own face of cultural 'authenticity' by enacting the conservative and repressive family code of 1984, having the president's wife appear in public in a hijab,⁴⁴ and encouraging national assembly deputies to speak of sending working women back to their kitchens as a way of ending unemployment. According to Saida Ben Habyas, the official representative of Algeria to the Arab Regional Preparatory meeting for the Beijing World Conference on Women:

The history of the FIS and other 'terrorist' groups is a series of alliances with a corrupt 'politico-financial mafia' that helped bring about the economic and social inequalities in Algeria during the 1970's and 1980's ... Political pluralism and democracy could have meant exposure of corruption of the old order. This old order allied themselves with the FIS in the 1980's and agreed to 'share power.' There was a deal.⁴⁵

Popular frustration with the policies of Chadli Benjedid's government and widespread corruption came to a boiling point in the October 1988 riots which the government suppressed by killing and torturing hundreds of civilians.⁴⁶ In the aftermath, rather than responding to the predominantly socio-economic demands of the rioters, the regime decided to deflect attention away from its own policies and culpability with political reforms. It legalized opposition political parties, liberalized restrictions on the press and established a timetable for multi-party elections. While in the abstract these are inherently positive developments, given the vast socio-economic problems caused by the government's policies, in this context they served as no more than a formalist figleaf. Furthermore, the Islamic Salvation Front (FIS), the major fundamentalist grouping, was legalized despite the constitutional prohibition on parties founded on the basis of religion. Given the lack of response to the demands of the October uprising and the failure to bring to trial those responsible for the killing and torture, the post-1988 period was the perfect environment for the spread of fundamentalism.

44. See Aicha Lemsine, 'Women in Algeria: Stake or Alibi' (Part II), *Friends of Algeria*, 1, 3 (1993), p. 1.

45. See Miriam Shahin, 'Algerian Women fight Terror,' *The Jordan Times*, November 1994, p. 1.

46. See generally 'Comité National Contre la Torture,' *Cahier Noir*, (October 1989) and Abed Charef; (October 1989).

With the benefits of legality, FIS activity and support mushroomed. The negative consequences for women were plain to see. Women of all socio-economic backgrounds began to experience tremendous difficulty walking in their neighborhoods, going out to work and dressing as they chose. The FIS analysis of Algeria's economic problems was summed up by the slogan, 'Our crisis is a crisis of faith and morals.'⁴⁷ As such, women's behavior, habits and dress took center stage in the movement's agenda. Any progress made in women's status during the previous twenty years seemed to erode overnight. Thus, a young working woman from a working-class background remarked to me while going through a military checkpoint on the outskirts of Algiers during the summer of 1992 after the military intervention, that she felt less fearful with the soldiers around than she had when the FIS cadres controlled her neighborhood.⁴⁸

While the FIS was a legal party, the number of attacks on women skyrocketed, on both the individual and mass levels. For example, women's college dormitories were repeatedly besieged by FIS militants who threatened women residents, prohibiting them from entering or leaving. Often the authorities refused to interfere to protect the terrified women students. Though similar attacks occurred at the University of Oran⁴⁹ and elsewhere, the worst incidents happened during 1989-90 in Blida, a middle-class town and fundamentalist stronghold about 100 kilometers from Algiers. A group calling itself 'the Redeemers' was established to patrol the conduct of women.⁵⁰ According to the Algerian newspaper, *Algérie Actualité*, the slogan of this movement was 'All girls who go out at night will die.'⁵¹ Members of this group constantly harassed women in the Ben Boulaid women's residence at the University of Blida, threatening and sometimes actually physically assaulting them. As a press release written by a group of women residents who experienced these events said, 'These fundamentalists, sure of their strength and egged on by the authorities' silence, have taken the place of those who represent the law and have started to apply their own laws.'⁵² In 1990 the situation in Ben Boulaid culminated in a siege by some 300 militants, reportedly including Ali Benhadj, the FIS's second-in-command.

47. Cited in Nora Boustany, 'Muslim Right Presses for Battle in Algeria', *Washington Post*, January 1993, p. A12.

48. The author does not mean by including this statement to condone the military intervention which halted the elections in 1992. However, it is important to listen to divergent perspectives on the impact of this event on many Algerian women.

49. On this incident see, 'Des 'Justicier' aux portes de la cité,' *Alger Rëpublicain*, 1 January 1991, p. 1.

50. See 'Existe-t-il des milices islamiques à Blida?,' *Algèrie Actualité*, 128 April 1990.

51. *Ibid*

52. 'Papers from the Algerian Women's Movement,' in *Women Living Under Muslim Laws Dossier*, 11/12/13 (May 1993), p. 22.

Clearly, the cancellation of elections by the military in 1992 does not, as the Western press frequently claims, mark the beginning of fundamentalist violence in Algeria. Rather, the fundamentalist violence against women was deeply rooted in the group's ideology and practices and its commitment to the 'policing of morality,' even while it was a legal political party participating in an electoral process.

In the 1990 municipal elections, the first multiparty elections in the history of independent Algeria, the FIS won the majority of municipalities, probably due to popular frustration with the FLN and a lack of other viable alternatives. Subsequently, the party used its power to keep women out of various public spaces. They were banned from cultural centers and other public facilities. Buses were forcibly gender-segregated. Women were chased off beaches and mixed marriage ceremonies were prohibited in public hotels. Sports and technical training for women was banned.⁵³

On an ad hoc basis, fundamentalists implemented their ideological agenda by harassing women who were merely trying to practice their professions. For example, an open letter from a group of women students at the Polytechnical School of Architecture and Urbanism in Algiers described being barred by FIS members from houses which the student group was to survey in Bourouba. The women students were told that their place was at home and the male students were told to take the women away. The women students commented: 'We were considered as devils, we were really insulted and humiliated... Now our work has come to an end...'⁵⁴

Other professional women were threatened if they did not put certain allegedly religious standards above the professional standards required in their work. This includes practices necessary for public health and safety. For example, a woman director of the department of obstetrics and gynecology at an Algiers hospital received threats when she attempted to continue implementing universal standards of sanitary practice in her hospital department. A women's association commenting on the threats to this doctor asked:

Can we accept that student-nurses refuse to wash their arms, on the pretext that their religious convictions do not allow them to do so? What

53. See, e.g., 'Sports for Women: Banned at Tialet University,' *Alger Republicain*, January 1990, reprinted in *Women Living Under Muslim Laws Dossier*, op. cit., p. 27. This article details how a 19-year-old student and member of the national judo team was physically assaulted and thrown out of the university's sports hall when she attempted to continue training despite the ban imposed on women's sports. When the male president of the sporting association attempted to assist her, he too was assaulted.

54. Open Letter from the students of the Polytechnical School of Architecture and Urbanism, printed in *AITDF1 Bulletin*, reprinted in *Women Living Under Muslim Laws Dossier*, op. cit., p. 22.

about the health of patients? Can we accept a husband's refusal to let his wife be examined by a male doctor when there is no (female) on-duty doctor? In ... medicine, can we accept workers' refusal to consult a woman doctor, whose work it is, and who is there to do it?"⁵⁵

The fundamentalist commitment to purification led also to attacks on individual women, particularly widows who did not remarry and other women who lived alone. These included five attacks during the same night in Bou Saada and another in Ouargla in 1989.⁵⁶ In the Ouargla attack, the woman's victim's 8-year-old disabled son was burned to death when a group of fundamentalists firebombed his mother where she lived alone with her children, having been divorced by her husband and made homeless by the provisions of the Algerian family code.⁵⁷ A woman activist's home was also firebombed in Annaba in November 1989, leading women's groups to organize demonstrations under the slogan, 'We Fear For Our Future'.⁵⁸

Women activists argue that too little attention is given to this terrorism against women which started before the interruption of elections in 1992 and before the attacks on male intellectuals and journalists. Had the earlier attacks on women been taken seriously, they argue, the later violence could have been predicted and possibly averted. Given the unwillingness of the conservative regime of Chadli Benjedid to protect women or to see the assault on them as political, the true nature of the fundamentalist view of women and its basic relationship to the fundamentalist social project for Algeria were obscured.

Beyond Atrocities: The Meanings of Fundamentalist Violence against Women

How can the murder of a girl or a journalist bring an Islamic state?⁵⁹

It is difficult to make sense of movements which, on the one hand, call for women to be pure and chaste, and yet simultaneously engage in widespread gang rape. However, there are clear meanings to this seeming madness.

55. 'Intolerable Pressure,' Independent Association for the Triumph of Women's Rights, press release, reprinted in *Women Living Under Muslim Laws Dossier*, op. cit., p. 27.

56. See Bou-Saada, 'Cinq veuves et leurs enfants violemment agressés a l'heure du f'tour,' *Horizons*, 11 April 1990.

57. Zenati, 'En Algérie, le débat sur la mixité tourne au dialogue de sourds,' Agence France Presse, 27 August 1989, reprinted in M. Al-Ahnaf et al., *L'Algérie par ses islamistes* (1991), p. 253.

58. *Horizon*, 22 November 1989, Reprinted in *Women Living Under Muslim Laws Dossier*, op. cit., p. 29.

59. Interview conducted by the author with Algerian woman journalist, *La Maison de la Presse*, Algiers, 28 November 1994.

No group of women was as reviled by fundamentalist ideologues in the 1980s and early 1990s as the women activists who attempted to organize against the 1984 family code, the 1990 electoral law and for greater rights for women in Algerian society. When asked why, in her view, the Algerian armed groups were attacking women, an Algerian woman professor who used to teach at the University of Algiers until she was forced by the situation to stop, responded:

This is clearly happening because women are refusing to obey instructions they are being given. Women threaten the communitarian vision of the armed groups and raise the issue of equality. Some women are refusing to be assimilated into this project and continue to insist on protecting their individual identities and rights. The armed groups are disturbed by women's groups which break their vision. Especially women activists. They are in this view, the absolute worst. They are 'public women'.⁶⁰

These 'public women' were branded as 'the avant garde of colonialism and cultural aggression' and, because they opposed the family code which legalized polygamy, they were dubbed, 'the women who want to marry four husbands' by the fundamentalists. In an interview with Agence France Presse in 1989, Abassi Medani, the leader of the FIS, stated that the recent anti-fundamentalist demonstrations of women were 'one of the greatest dangers threatening the destiny of Algeria.' This is because the women participants were 'defying the conscience of the people and repudiating national values.'⁶¹ Arguably, this level of venom and misunderstanding represents the ideas of which the throat-slitting and gang rape of today are but the logical conclusion. When dress and behavior standards are imposed on women by 'death sentences,' and all ability to engage in educational, professional or political activity construed as foreign, women who challenge such a regime of morals become the 'other', the kafr, the apostate, and, in the literal and backward interpretation of the fundamentalists, an obvious target. Many of the women whose lives have been claimed by fundamentalist violence are not accidental victims, but are carefully chosen prey because their lives, activities and voices are a threat to the fundamentalist order. As H. Zerrouky argued in the Algerian newspaper, *Le Matin*, the roots of this violence go even deeper:

In fact, what is shocking about these young men who kill women when we know that they have been raised on misogyny since primary school? A misogyny relayed [to them] again by Abassi Medani who speaks of women 'democrats' as 'spies of neocolonialism.'

60. Interview with Zohra X, op. cit.

61. See 'What the FIS is Saying,' GET NEWspaper, 14-20 December 1989, reprinted in *Women Living Under Muslim Laws Dossier*, op. cit., p. 28.

These assassinations are finally nothing more than the culmination of the way in which women are treated in the country. After trying to close them in, to marginalize those who seek to reclaim their rights, we have moved to the ultimate stage.⁶²

The Other Algeria: Women's Struggle Continues

You must know that there are Algerian feminists and we are now fighting for the right to life and the rights of women. We need the maximum solidarity.

Algerian Woman Activist

Neither the hijab nor the jilbab, neither Iran nor the Sudan. (Slogan from women's protest against the violence, 8 March 1994.)

Despite the firestorm which surrounds them, Algerian women continue to defy the Emirs and their cohorts. They are doing this at both the collective and individual level. Collectively, women's organizations continue to issue press releases, to meet in secret whenever possible, to try to provide solidarity to women survivors of violence and to women who have lost family members, to go on speaking to the foreign press, and to reproduce and distribute press articles on the current situation of women. Up until recently they continued to hold demonstrations which have become a seriously life-threatening endeavor.⁶³ Women's groups were key organizers of the nationwide demonstrations against violence on 22 March 1994, and many of the participants were women.⁶⁴

On an individual level, women perform what Fatima Mernissi has called 'daily battle' by continuing to go out to work and to go to school, by refusing to wear the hidjab, by continuing to write and publish, and

62. H. Zerrouky, 'Femmes: l'edito,' *Le Matin*, August 1994, reprinted in RAJD, *Pour une Algérie debout*. The particular impact of misogyny in education to which Zerrouky refers was magnified by the large numbers of fundamentalist teachers. Many of these were immigrants from Egypt whom Nasser was trying to get rid of by exporting them to Algeria, which lacked Arabic-speaking teachers after independence given the impact of French cultural imperialism. During the 1980s, the Algerian press reported that some fundamentalist teachers were asking school children about their parents' activities and telling them that their parents were going to hell because their mother appeared in a bathing suit at the beach.

63. A grenade was thrown into the June 1994 demonstration of the MPR (Mouvement Pour la République), killing two people and injuring many others, including feminist organizer Khalida Messaoudi, President of the Independent Association for the Triumph of Women's Rights. Professors Fatiha and Zohra stressed to me that this demonstration had continued after the grenade attack, largely at the insistence of women participants. However, the attack has somewhat chilled the atmosphere for demonstrations.

64. On women's demonstrations, see also, LaFranchi, *op. cit.*, p. 5. Popular demonstrations against the violence have been frequent despite the associated risks. Some of these have clearly been government organized, while others appear to be the spontaneous response to various atrocities. See, e.g., 'Marches populaires: le défi au terrorisme,' *El Watan*, 9 November 1994, p. 3.

by attempting to care for their families in a situation increasingly fraught with peril and economic deprivation. Many such women with whom I spoke while in Algeria were deeply concerned that the outside world thought of Algeria only in terms of the chador and the fundamentalists. They expressed the hope that the outside world should know that they do exist, that they represent another Algeria, which retains its commitment to progressive values and tolerance. As one woman intellectual said, 'It is important for people to know that a democratic Algeria exists in the women's movement and elsewhere. If these values did not exist, there would be no struggle in Algeria.'⁶⁵

***Algeria's Turmoil in the Larger Context:
Meanings and Messages***

I have to believe that you Americans do not understand us or the full importance of our problem. Those whom you supported or still support in Afghanistan and Saudi Arabia are full of scorn for you. They believe that American women are filthy whores. I do not believe this and neither do my friends. We do not want to be like you, but we want to live in a country where we can be like you if that is what we please, or be like ourselves, or even wear a veil if we want to. But the Islamist terrorists, after they have turned Algeria into another Iran, will not give us any choices at all.⁶⁶

It is disturbing that the conflict in Algeria is most frequently discussed in the mainstream Western media in terms of its potential to generate waves of refugees who are not welcome in Europe. In an era when Huntington is attempting to split the world into cultural spheres, basically divided into 'the Muslim world' and 'us,' when Islam has replaced communism as the great post-Cold War whipping boy, the hysteria about the Muslim hordes has totally obscured the reality of what is happening on the ground in countries like Algeria.

On the other hand, while an anti-racist analysis is crucial to debunking such a demonology, one cannot fail to face up to the implications and nature of fundamentalism as practiced and experienced on the ground. To confuse fundamentalism with some sort of 'essential' or 'true' or 'authentic' Islam as a culture or religion, whether from an antagonistic or sympathetic perspective, is an incredible mistake. Similarly, to assume that those who oppose fundamentalism are 'Western' or 'elite' or lose their 'authenticity' as a result is equally misguided. In fact, 'anti-fundamentalists', for lack of a better term, have defended such 'indigenous' aspects of Algerian culture as Andalus and Rai music, and dancing at weddings. On the other hand, as documented above, the armed groups have actually violated nearly every principle of Islamic

65. Interview with Fatiha X, op. cit.

66. Fatima B., op. cit., p. 7.

humanitarian law as well as international norms.⁶⁷ Thus, the major dangers of Muslim fundamentalism are not for the 'West' or 'Western civilization' or even Western interests, but for the Muslim world and the people who live there. What is needed is a very careful political analysis which is not simply based on construing the enemy of one's enemy to be friendly or worthy of support.

When I arrived in Holland after my last trip to Algeria, a Dutch man responded to my description of what is happening there by saying that an Islamic State would not change life for the majority of the country's women. While this might be an attempt to critique the mainstream Western discourse on 'Islam,' it is a deadly analysis with terrifying consequences for those who will actually be ruled by any future Islamic state. It utterly ignores the track record of the Algerian fundamentalist movement as documented in this chapter.

The most incredible omission in much mainstream discussion of Muslim fundamentalism in the US is the role of the United States itself and other Western governments in promoting it, both actively and tacitly, as an option. The well-known US training of Algerian and other Arab Muslim fundamentalist armed men in Pakistan and Afghanistan during the 1980's is the most concrete example. Western support of the destruction of the Algerian economy via the dismantling of the public sector is another example. As one woman activist said, 'The West indirectly supports the FIS with its IMF and World Bank demands on Algeria. It is weakening the middle class and making the poor poorer and the rich richer.'⁶⁸ Despite these realities, Mark Parris, acting assistant secretary for Near Eastern Affairs, in a statement before the Subcommittee on Africa of the House Foreign Affairs Committee in March of 1994, claimed that 'Algeria's crisis is largely homegrown' and the product of 'socialist mismanagement'.⁶⁹ Ironically, in this very statement he alludes to the pressures put on Algeria by the US to reform its economy and to restructure its debt which he admits 'might create hardship in the short term.'⁷⁰ A former Algerian prime minister was told by a visiting American delegation that the continued existence of a public sector in Algeria is considered a far greater problem than fundamentalism or fundamentalist violence.

67. On Islamic humanitarian law, which includes prohibitions on the killings of women, children and other non-combatants during war, see Karima Bennoune, 'As-Salaamu 'Alaykum: Humanitarian Law in Islamic Jurisprudence,' *Michigan Journal of International Law*, 15, 2, p. 605.

68. Shahin, 'Algerian Women fight Terror,' *op. cit.*, p.1

69. 'Update on the Crisis in Algeria,' printed in *Middle East Policy* (some time between April 1994 and September-November 1994), pp. 188-9.

The Way Forward

I am no intellectual, but I believe other people were told, elsewhere in other times that the evil and fear around them would pass. As far as I know, it did not pass. It got worse. I believe it will get worse unless someone hears us.

Fatima B.

At this writing, the violence in Algeria is escalating yet again.⁷¹ The Armed Islamic Group set off a bomb in downtown Algiers, blowing up a bus, killing 42 people, and wounding 256 others on 30 January 1995. This was the single largest deliberate killing of civilians in the conflict so far and represented yet another new stage in the conflict. The GIA statement which claimed responsibility for this attack timed to mark the beginning of the Muslim holy month of Ramadan, opined in frightening language that:

There will be no peace, no truce and no compromise, because this holy month of Ramadan is a time for killing and fighting, for victories and breakthroughs, and it is the duty of all fighters to intensify military work and religious struggle.⁷²

In one week in February 1995 alone, fundamentalist armed groups took responsibility for the killings of 11 intellectuals, including the director of the national theater, a composer of Algerian Rai music and feminist leader Nadia Djahnine.⁷³ On the other hand, a prison riot of fundamentalist prisoners was quashed in late February 1995, killing nearly 100 prisoners. The spiral of violence seems to move only upward. Meanwhile, the economy, a root cause of many of these problems, continues to flounder, producing an unemployment rate of nearly 40 percent.

One of the biggest fears of many women is that, in any settlement with the fundamentalists, their status is perhaps the most likely concession. This leads to what one woman described as the 'key paradox' in the Algerian drama 'how to deal democratically with a movement which believes that democracy is heresy and which proposes a new power structure based on religious legitimacy, determined by a hegemonic vision.'⁷⁴

71. Ibrahim, 'As Islamic Violence Accelerates, Fears of a Showdown in Algeria,' op. cit., p. A1.

72. Originally published in the London-based Arabic language newspaper, *Al Hayat*, the statement was reprinted by Youssef Ibrahim, 'Islamic Rebels Say They Set Off Bomb in Algiers,' *New York Times*, 6 February 1995, p. A5.

73. Ibrahim, 'As Islamic Violence Accelerates, Fears of a Showdown in Algeria,' op. cit., p. A1.

74. Interview with Zohra X, op. cit.

However, one of the very strong appeals of fundamentalism is its hegemonic and clearly articulated vision. One of the key challenges, therefore, is the clear articulation of an alternative, a third way, which represents neither the military-backed government and its allies in the 'mafia' nor the fundamentalists. As a woman intellectual envisioned this project:

The democratic movements and activists need to put a democratic front together, a front of those who oppose an Iranian-style regime in Algeria. This movement must pose concrete alternatives. The fundamentalists have been selling heaven and dreams. So the democratic movement must also sell a dream.⁷⁵

However, this is no easy task and many of those who could be key players in such a project, being critics of both the government and the fundamentalists, have either been killed or are in hiding. In addition, given the pressure placed on Algeria by IMF-induced austerity measures, it will become increasingly difficult to offer a real alternative as life becomes materially worse for people.

The final session of the Arab Regional Preparatory Meeting in Amman, Jordan for the upcoming Beijing Conference on Women passed a resolution condemning the violence against women in Algeria over the vociferous objections of the Sudan and despite the nervousness of many governments to raise the issue. After strong pressure from the non-governmental organizations present, including a petition drive among delegates, the resolution was passed. It reads as follows:

We declare and affirm our solidarity with Algerian women, who are confronted with a fierce battle against their existence, thinking, education and right to life, a battle aimed at keeping them from participating in the development of their country and waged by the forces of extremism and backwardness, which chose the language of violence and terrorism instead of the language of dialogue. Those forces are committing the most heinous crimes in violation of the rights of women and children, just to achieve their goal of doing away with the gains of Algerian women and undermining the achievements of the Algerian revolution in which women participated effectively, made sacrifices and became a model for Arab women in their struggle for their country's freedom, progress and stability.

Women of the world are called upon to show solidarity with Algerian women in their just struggle to protect their gains and rights to life and peace, for those are imperative conditions to insure world peace.⁷⁶

75. Interview with Fatiha X, *op. cit.*

76. Declaration of the Participants in the Arab Regional Preparatory Conference for the Beijing Conference on Women, Amman, Jordan, 3-10 November 1994.

S.O.S. Algeria: Women's Human Rights Under Siege

One can only hope that the violations of Algerian women's human rights are recognized as key to the problems facing the country, and that any solution to the crisis deemed 'peaceful,' guarantees, as the above resolution indicates is necessary, women's rights and equality.

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Gender Politics and Islamization in Sudan

Sondra Hale

Introduction

This research is an examination of the relationship of the Sudanese state to issues of gender, religion and class.¹ It is one component of my interest in the mechanisms the state employs for achieving both political and cultural hegemony. I am using Marxist concepts of the state and its hegemonic character to suggest the manipulation of culture (in this case, religion),² and feminist theory, which proceeds

1. Most of the research for this project was carried out in Khartoum, Sudan in 1988, funded by grants from UCLA's Center for Research on Women and the G.E. von Grunebaum Center for Near Eastern Studies. At various points in the research Sunita Pitamber, Amal Abdel Rahman, William Young, and Sherifa Zuhur worked as Research Assistants, and I want to thank them. Background for this paper also comes from earlier periods in Sudan: 1961-64, 1966, 1971-72, 1973-75, and 1981.

2. I am referring to Antonio Gramsci's work on State hegemony. It may be useful here to describe a concept of the "state," which I interpret as a cluster of interrelated institutions organized by the ruling class (whether this is ruling class by election as in bourgeois democracies or by self-appointment) for the purpose of controlling the subordinate population and disseminating the ideology of that class. State apparatuses of control are, of course, the military, police, militia, intelligence units, the courts, immigration and citizenship laws, and the like. Often less obvious, but just as relevant to this research, are some of the apparatuses for the dissemination of the dominant group's ideology, e.g., the media, the arts, the educational system, social welfare departments, religious institutions, and the like. Liberals or bourgeois democrats forward the concept that the State is an institution to which the people have access, perhaps through the apparatuses I have just mentioned. But I try to turn this concept on its head in the same way, perhaps, that some have turned the model of patron/client on its head (in reference to Michael Gilson, "Against Patron-Client Relations," in E. Gellner and J. Waterbury (eds.), *Patrons and Clients in Mediterranean Societies* (London: Duckworth, 1977), pp. 167-185, and present the State as functioning to give itself (ergo, the ruling class) access to the people and their resources.

It is not the purpose here to enter into the debates on the nature of the State, e.g., whether or not the pre-capitalist state was an autonomous entity separate from its class base or is an extension of the ruling class. It should be clear that I am using a revisionist approach to the latter, one which derives from the ideas of Antonio

deductively from a premise of gender asymmetry, to offer a possible explanation in the demographic needs of the state to effect a gender realignment in the area of labor.³

One of the most active and seemingly successful Islamic movements in the world is currently taking place in Sudan. Its contemporary manifestation is the National Islamic Front (NIF), arguably the direct successor of the Ikhwan (Muslim Brotherhood).⁴ Whether or not we can label this movement "fundamentalist" is a problematic beyond the scope of this essay.⁵ At any rate, using Islam as a primary mode of national-political-cultural expression is part and parcel of a process of identity politics that often obscures class. In fact, "Although the quest for identity and the focus on culture is meant to differentiate one group from another, 'culture', like 'nation,' occludes class, gender, generational, and other significant differences."⁶ Included in the identity of politics of the contemporary Sudan are the gender dynamics that both enabled the NIF to come to power and are helping to sustain its power.

Gramsci, *Selections from the Prison Notebooks* (London: Lawrence and Wishart, 1971); and *Selections from Political Writings, 1921-1926* (London: Lawrence and Wishart, 1978), but borrows from others, e.g., Nicos Poulantzas, "The Problem of the Capitalist State," in *New Left Review*, 58 (1969); Perry Anderson, *Lineages of the Absolutist State* (London: New Left Books, 1974) and *Passages from Antiquity to Feudalism* (London: New Left Books, 1974). I have also found useful Bob Jessop, "Recent Theories of the Capitalist State," *Cambridge Journal of Economics*, 1 (1977), pp. 353-373, in which he lists six different approaches to the theory of the State in the classical Marxist literature: the State as a parasitic institution, epiphenomena, a factor of cohesion, an instrument of class rule, a set of institutions, and a system of political domination (i.e., pp. 354-357), as well as his analysis of Poulantzas debt to Gramsci, *The Capitalist State: Marxist Theories and Methods* (New York: New York University Press, 1982). Useful also is David Held, et al., (eds.), *States and Societies* (New York: New York University Press, 1983), in which different conceptions of the State are discussed. As for State apparatuses, I have used ideas from Gordon Clark and Michael Dear, *State Apparatuses: Structures and Language of Legitimacy* (Boston: Allen and Unwin, 1984), especially a section on "State Apparatus and Everyday Life" (pp. 60-82).

3. Making "gender" central (however, always in its relationship to class and culture), is often seen as "western" when, in reality, gender as category is not exclusively a concept of western feminist thought. For example, in relation to this research, "gender" is a central category of sharia (Islamic law).

4. The word "successor" suggests that the Ikhwan no longer exists, which it does. The splits within and hiving off of Islamic organizations is beyond the scope of this essay.

5. Many of us who do not want to become bogged down with the debates over whether or not the term "fundamentalist" applies to any of the contemporary political Islamic movements, often use the work "Islamism," which has its own problems of totalizing.

6. Valentine M. Moghadam (ed.), *Identity and Politics and Women: Cultural Reassertions and Feminism in International Perspective* (Boulder: Westview, 1994), p. 12.

Certainly in recent years we have been forced, primarily as a result of Islamist movements that have emerged in response to the deepening economic crises in the Middle East and North Africa, to devote more theoretical energy to culture and identity. But Moghadam, among others, reminds us that “cultural cannot be properly understood outside of its relation to the political and especially to the economic. Nor can class conflict be ruled out as an analytic tool and explanatory variable.”⁷

Because conservatives, liberals, Marxists, and post-structuralists alike have had to grapple with identity politics, it serves us to look at some of the ideological debates at the forefront of our particular “case studies.” In my case, I am not interested in the debates among Sudanese of various persuasions, but debates within the fields of Middle Eastern Studies and Middle Eastern women’s studies. Partially I am taking this approach because of the nature of the “New Movement” in Sudan and the difficulties of talking about it in a vacuum. Therefore, I have begun with a discussion of some of the central debates in Middle Eastern Women’s Studies as they relate to gender, religion, class, and politics.⁸

Because women have played a central role in this class-interested Islamist mobilization in Sudan, their position has been rationalized in ideological and cultural-national debates—by Islamist women themselves and by others. These debates point to the cultural-nationalist nature of this political movement. Central to the debates are controversies over cultural “authenticity” and “legitimacy” and women as repositories of culture. In my research, while showing women to be actors in the NIF movement, and taking the position that Islam cannot explain the condition of women, nonetheless, I found it necessary to analyze the extent to which women are resocialized and religious ideas and institutions manipulated to form new gender power relationships.

I have tried to avoid the conflation of patriarchal gender relations within the family and religiously-sanctioned patriarchal codes and, likewise, the conflation of Islam and cultural nationalism and, in this particular Sudan case, “Arab” and “Muslim,” the last set among the analytical confusions which NIF women activists themselves have

7. *Ibid.*, p. 7.

8. I elaborate on some of these debates in “The Politics of Gender in Middle East,” in Sandra Morgen (ed.), *Gender and Anthropology: Critical Reviews for Research and Teaching* (Washington, DC: American Anthropological Association, 1989), pp. 246-267.

challenged.⁹ Architects of the New Movement, namely Hasan al-Turabi, try to make a clear distinction between being “Arab” and being “Muslim,” walking a line between not seeming to abandon Arabism and yet liberating Islam from Arab conventions/customs.¹⁰ This allows Islamist women to see the Islamist movement as “liberating” women from Arab patriarchal institutions.

A central strategy is to reshape female and family identity as the foundation of an “authentic” culture based on some symbols of the Islamic past, but “modern” in its class dynamics and institutions. It is beyond the scope of this essay to analyze whether or not the end effect is still to essentialize women and, thus to enmesh them in their difference, to romanticize them as the “ideal Muslim woman,” thus removing the concept “woman” from the material base.

In earlier work on Sudan I explored how Nubians maintained cultural integrity in diasporic conditions largely by positioning women as repositories of Nubian culture, leaving men the freedom to shift between Nubian and Arab identities. This male bi-culturality was key to Nubian elite status in Sudan and to the economic viability of Nubian communities. While the women reproduced the culture, men moved in and out, literally and symbolically, pretending not to understand “women’s world” and either mystifying it by treating it as a secret world of tradition and ritual or degrading it by reference to its “backwardness”. The effect was that the substantial economic and material contributions of Nubian women to both the homeland villages and the urban infrastructure went unacknowledged.¹¹

The process we are witnessing now, whereby Islamist women are expected to symbolize authentic culture and be the pillars for re-legitimatization, is not dissimilar.¹²

9. Deniz Kandiyoti called for a need to make this distinction in “Women, Islam, and the State: A Comparative Approach,” in Juan R.I. Cole (ed.), *Comparing Muslim Societies: Knowledge and the State in a World Civilization* (Ann Arbor: University of Michigan, 1992), pp. 237-260.

10. For example, see al-Turabi’s statement in Arthur L. Lowrie (ed.), *Islam, Democracy, and the State and the West: A Round Table with Dr. Hasan Turabi* (Tampa, Florida: The World & Islam Studies Enterprise [WISE], 1993), p. 66.

11. Sondra Hale, “Women’s Culture/Men’s Culture: Gender, Separation, and Space in Africa and North America,” *American Behavioral Scientist*, Vol. 31, No. 1 (1987), pp. 115-134; “Elite Nubians of Greater Khartoum: A Study in Changing Ethnic Alignments,” in N. O’Neill and J. O’Brien (eds.) *Economy and Class in Sudan* (London: Gower Press, 1988), pp. 277-290; “The Ethnic Identity of Sudanese Nubians,” *Meroitica*, Vol. 5 (1979), pp. 165-172; and “The Impact of Immigration on Women: The Sudanese Nubian Case,” *Women’s Studies*, Vol. 17, Nos. 1-2 (1989).

12. See Sondra Hale, “Gender, Religious Identity, and Political Mobilization in Sudan,” in Val Moghadam, op. cit., pp. 145-166.

Developing my research on strategies for change in potentially revolutionary or transformative situations, I began to explore particular institutions or organizations, especially as these were apparatuses of the state.¹³ My interest in the uses and abuses of culture by political groups to serve their own class interests expanded to research on the Islamist struggle in Sudan over the issue of "authentic culture," its use as resistance, and the central position of women in this strategy. I try to demonstrate that women are far more than the "Greek chorus" of the Islamic revolution. They have been the central organizers and socializers. In 1988 I interviewed many leading Islamist women of the National Islamic Front (NIF); and contrary to both popular and scholarly notions about the oppression of women under Islam, found that these women were not only learning and interpreting Islam for themselves and other women, but were also militant, independent in spirit, and effective organizers in the movement. The women I interviewed are sophisticated about the goals of the Islamist movement and their position within it, and are activists on behalf of other women. My findings about Islamist organizers in the NIF challenged not only ideas about "false consciousness" but also the theoretically totalizing position of many Euro-American feminist scholars that Islam can explain the condition of women. The northern Sudan case is one where women may be using Islam to improve their situation. I do, however, raise questions about the limits that women may face now that the Islamic state is achieving hegemony.¹⁴

Some Central Debates in Middle Eastern Women's Studies

Many of the debates in Middle Eastern women's studies focus on women and religion. Many of us are trying to bring this much orientalized and essentialized portion of regional studies into its proper place—away from the "Third Worldism" that has plagued us. Simply dichotomizing Middle Eastern societies or groups of people into "secular" or "fundamentalist" or Middle Eastern women's studies into feminism or Islamism, as many scholars and writers do (either explicitly or implicitly), is part of the problem. The process creates situations in which we stand up and are counted as saying either "Islam [or any religion] is good for women," or, "Islam is bad for

13. See, for example, Sondra Hale, "Transforming Culture or Fostering Second-hand Consciousness?" in Judith Tucker (ed.), *Women in Arab Society: Old Boundaries, New Frontiers* (Bloomington: Indiana University Press, 1993), pp. 149-174.

14. See, for example, "Gender, Religious Identity, and Political Mobilization in Sudan," in Val Moghadam, *op. cit.*, and "The Rise of Islam and Women of the National Islamic Front in Sudan," *Review of African Political Economy*, No. 54 (1992), pp. 27-41.

women." Or, there may be the suggestion that "feminism" which is usually also totalised - is only western and, therefore, bad because it is not "authentic" for Middle Eastern women. Often those who do espouse a Middle Eastern "feminism" are accused of working only within a Western framework, which has the effect of denying indigenous feminism. Another approach is to imply that the antidote (cure) for feminism is "Islamism".

When we point out some of the 20th century disruptions in the Middle East, we can assume at least two things: that, we are also talking about the 19th century and that the story of disruption should lead us straight to an analysis of women and gender arrangements.¹⁵ One of our problems, however, is that we have not managed sound ways to talk about disruptions and responses to these disruptions without over-privileging certain variables; without totalizing certain processes, and without essentializing groups of people. Another problem is that we use particular variables when we are discussing "culture" or "social forces" or "history." This is where "women" and "gender" come into the picture. When we are talking about "political economy," we refer to the conventional variables of land, labor, and capital. Women and gender usually disappear in the thrust and penetration of masculinized political economy. In Middle Eastern Women's Studies we have not yet feminized, if you will, the dynamics that drive the major economic changes of capitalism, socialism, and Islamic economies. To quote Moghadam:

We are beginning to see why women are important, and why gender is an indispensable concept in the analysis of political-cultural movements, of transition, and of social change. It is in the context of the intensification of religious, cultural, ethnic, and national identity—itsself a function of uneven development and social change—that we see the politicization of gender, the family, and the position of women.¹⁶

In anthropology, in particular, women are often thought of as the "repositories of culture." The implication is usually that women are positioned by men. But this overlooks the programmatic self-imposed essentialism of many Islamist women—a process whereby women may be using Islamic culture to change their lives—manipulating that very positioning that is thought by observers to oppress them.

And that brings me to question that very process of giving emphasis to Islam instead of to women—a central problem in Middle Eastern women's studies. Islam is usually totalized and privileged as a

15. Among the disruptions are the transformation of land into commodity, secularization, and the internationalization of the global economy.

16. Moghadam, op. cit., 1994, p. 16.

cultural determinant of Middle Eastern women's behavior and status. But Islam cannot explain the condition of women, nor the rise or demise of feminism, nor the collapse of the secular/modernizing state. Now, that does not mean that we cannot locate the greatest challenge to Western hegemony in the Middle East, notably from populations professing Islam. I do not see this as a contradiction.

These attempts to use some manifestation of Islam to explain the condition of women often use the veil as a central variable, or certainly as a highly explanatory variable. There are few, if any, other regions of the world where one element in the culture still symbolizes so much to scholars and observers as does the veil in the Muslim Middle East. It conjures up the exotic, the erotic, the process of seclusion, the harem, marginalization, modesty, honor and shame, social distance, gender segregation, and of course, the subordination of women.

The fact is that veiling or not veiling, the type or occasion, the category of person veiling (e.g., class, region, type of occupation, urban or rural, etc.), and the politics of it (as in Iran) are rationales rarely analyzed outside academic circles. The academic rationales for donning the veil run the gamut: to enact seclusion (social distance from men), make a statement about sexuality (social control), to affirm Islam (modest dress for women and men), to display fashion or national dress (sometimes as an abrogation of Western style and values, as in Iran), or simply to deem modest Islamic dress as more practical or economical than other modes of dress (e.g., encourages use of local material rather than the purchase of imported goods).¹⁷ But what do some women themselves say? Until my last visit to Sudan, I virtually never overheard urban working-class women say that what they were wearing was a symbol of a broader social movement, a requirement of some "fundamentalism." Until the onslaught or intensification of the Western gaze, they were, in fact, amused at my questions about dress.

There is one new breakthrough in Middle Eastern Women's Studies—which I maintain is under-theorized at the same time that there is a neglect of testimonies of the experiences of the women themselves. We have begun to deal with women as political actors, as agents of their own lives, which should have the effect of changing the way we view Islamist movements. But we still often do it in a political economic vacuum. For example, even though some scholars stress time, location, and context, our studies are weak when it comes to historically contextualizing the relationship of feminism, Islam, and

17. I elaborate on the over-privileging of the veil in "The Politics of Gender in the Middle East," *op. cit.*

nationalism. What passes for history often rolls along as a series of events that affect women or, sometimes that women affect—with little consideration of the material base, even when state feminism or state-sponsored feminism is being discussed. Scholars like Fadwa El Guindi or Sherifa Zuhur, in attempting to explain some of the views of Islamist women, go some distance in breaking down the dichotomy of Islamism/ feminism—challenging the notion that “Islamic feminist” is an oxymoron. But there is little or no class analysis in these approaches, nor more than a nod to the relationship of gender to the state.¹⁸

Our analyses, however, are finally focusing on the many different levels and types of political activity carried out by women—not merely or primarily the cliched “private” domain, with women exerting only informal political power through men. Rather women are involved in the same kinds of political activity as men, not restricted to power gained only through gossip or political songs, not in the political picture only as victims of the more dominant men, or of an oppressive Islam.¹⁹

We are more recently reading analyses of the differing ways that women have been mobilized in the Middle East and how this has been interpreted by women themselves, by men, and by the state. Women have become more than the targets of mobilization campaigns or political action programs, more than a mass to be welded into citizens or political followers. We see that women are actors themselves on behalf of themselves. We have begun to ask if the nature of women’s political participation differs if it is initiated by the state (as in Turkey and Iraq, or in an earlier period in Iran), by nationalist movements (as Peteet presents in her work on Palestinians)²⁰ by Communist parties (my own work on Sudan)²¹ or by spontaneous revolt (as we see in Judith Tucker’s Egyptian study or Mary Hegland’s study of Iran).²² We are starting to analyze women in the contest for citizenry, as political actors, and as the nexus of the

18. Fadwa El Guindi, “Veiling Infitah with Muslim Ethic: Egypt’s Contemporary Islamic Movement,” *Social Problems*, Vol. 28, No. 4 (1981), pp. 465-485; Sherifa Zuhur, *Revealing Reveiling: Islamist Gender Ideology in Contemporary Egypt* (Albany: State University of New York, 1992).

19. See, for example, two thematic issues of MERIP Middle East Report on Women and Politics, No. 138 (1986) and Gender and Politics, No. 173 (1991).

20. Julie Peteet, *Gender in Crisis: Women and The Palestinian Resistance Movement* (New York: Columbia University Press, 1981).

21. Hale, “Transforming Culture or Fostering Second-Hand Consciousness?” *op. cit.*

22. Judith Tucker, “Insurrectionary Women: Women and the State in 19th Century Egypt,” *MERIP Middle East Report*, No. 138 (1986), pp. 9-13; Mary Hegland, “Political Roles of Iranian Village Women,” *ibid.*, pp. 14-19, 46.

relationship among feminism, religion/culture, nationalism, class and state.

We have also begun to explore the potential for the uses of "traditional" culture and "women's culture," to mobilize women against their oppression as women. For example, by referring to the zaar (spirit-possession ritual) as a "prefigurative political form," I try to give the protest ceremony political and social meanings, not just ritualistic, symbolic, or psychoanalytical meaning. To me the zaar is a potentially political gathering which is an occasion for group therapy and for consciousness-raising, self-help, healing through collective action, and emotional solidarity. It is experiential, subjective, egalitarian, and affective. The zaar is a mode of ending the self-subordination of women by forcing men, if only temporarily, to submit to women's demands.²³ Such political interpretations of women's everyday networks, rituals, and "traditional" cultural activities in relation to the "public," "formal" arena associated with the "politics of men." Some recent studies present the individual woman as political actor in the Middle East, albeit, the woman as leader or hero.²⁴

We have also begun to analyze the relationship between feminist movements and more general social transformations. But must every movement in which women play a leading role, which we may or may not call a "women's movement," be a response to secular modernization, to Islam, or to the Marxist left? If the implication is that this modern movement emerged as a response to the material conditions of women's lives, we need to know that. Or, it would help if we could know the process of raised consciousness that led to women's activism.

Another of the problematics of studies of women as political actors is that we are often fuzzy or confused about the kind of feminisms or Islamisms we are discussing, or the kind of mobilization or movement. Is it a state-sponsored feminism or Islamism? Is it a grassroots, subaltern movement? Furthermore, are we just as totalizing about feminism as we are Islamism? So much of the critiques of feminism and feminist scholarship itself offer a monolithic approach to feminism.

23. Hale, *op. cit.*, 1987.

24. See, for example, Nawal El-Messiri, "The Changing Role of the Futuwwa in the Social Structure of Cairo," in E. Gellner and J. Waterbury (eds.), *Patrons and Clients* (London: Duckworth, 1977); and Cynthia Nelson, "The Voices of Doria Shafik: Feminist Consciousness in Egypt, 1940-1960," *Feminist Issues*, Vol. 6 No. 2 (1986), pp. 15-31.

In a 1987/1988 New Left Review debate on women in the Middle East, two of the authors see the studies, within which some of my own work falls, as arenas of struggle for women that most replicate Western experience, i.e., women's struggles within leftist, feminist, and urban and other grassroots movements commonly found in the West.²⁵ Some of us have suggested that we look to prefigurative political forms for ideas about the transformation of women's experience. Some theorists refer to this arena as "subaltern."

A central theme of Western cultures is the importance of distinguishing differences (usually oppositions) between men and women and presuming that those differences manifest themselves in psychological differences that shape gender roles and relationships between men and women. The result of this Western dichotomous thinking is that the study of women's lives has often been separated from the analysis of men's lives—which then impedes our ability to analyze the complexity of relationships between men and women and the social relations of power in culture(s).²⁶ Studies of gender and "fundamentalism," then, are often studies of women only. And there is just a short journey to asserting that Islam is determining women's lives.

We are trying to understand how history, culture, politics, and economic factors coalesce in the construction of gender in specific historical/cultural contexts.²⁷ Contemporary feminist anthropology, for example, has clearly shown that gender is a profoundly important analytical concept and that what gender is or means in any particular culture at a specific historical moment must be explored and not presumed. However, one of the criticisms I have of the work of feminist anthropologists is that we have tended to privilege particular variables or institutions in particular cultures, e.g., kinship in Africa, family and reproduction in China, and Islam/seclusion/veiling in the Middle East (and these three are conflated to mean "woman"). And then we look at gender construction accordingly.

The process of privileging is, of course, political. What we decide to privilege in our studies of specific regions is related to the relationship of gender to the state and the international relationships

25. The debate, to be discussed more thoroughly below, appeared in two issues: Mai Ghoussoub, "Feminism—or the eternal Masculine—in the Arab World", *New Left Review*, No. 161 (1987), pp. 3-18; Reza Hammami and Martina Rieker, "Feminist Orientalism and Orientalist Marxism" [A reply to Ghoussoub], No. 170 (1988), pp. 93-106; and Mai Ghoussoub, "a Reply to Hammami and Rieker" No. 170, pp. 107-109.

26. Sandra Morgan, "Gender and Anthropology: An Introductory Essay," in her edited *Gender and Anthropology*, op. cit., pp. 3-4.

27. *Ibid.*, p. 8.

of state ideologies of gender, which is, of course, related to political economy and the major 20th century disruptions in the Middle East. Or, to follow people like Leila Abu-Lughod, we may, in fact, for reasons of global politics, create culture and cultural differences.²⁸ This seems at the heart of our overprivileging of Islam.

Some Central Debates on Women and Religion

These processes are part of the ideological frame for the New Left Review debate (1987/1988), mentioned above, between Ghousoub, on the one hand, and Hammami and Rieker, on the other.²⁹ Ghousoub claimed that there are two approaches to the study of women and religion or women in Arab/Muslim society: one addressing the specific role of Islam in Arab society; and the other seeing Islam as a religion like any other but whose importance has been exaggerated in Western perception. She sees herself as the former and Hammami and Rieker as the latter. Hammami and Rieker claim Ghousoub is an essentialist—essentializing the Middle East, Islam, and women.

I see the debate centering around what is privileged. Is it Islam? Is it what Hammami and Rieker refer to as “subaltern” groups? And although Hammami and Rieker disclaimed that their approach amounts to the “epistemological privileging of the oppressed,” Ghousoub called their privileging of the oppressed “third-worldism.” Hammami and Rieker accused Ghousoub of privileging the west and call for a decentering of the west (using Derrida) and for looking at “subalternity.” The debate, then, began to focus on where struggles take place and which struggles are most significant.

Ghousoub maintained that organized feminism or organized women’s movements virtually do not exist. She looked to the Islamic past to find heroes, showed us the influence of the French during the French occupation of Egypt, indicated the importance of early 20th century men who advocated for women (advocating education mainly, but also suffrage). Basically she acknowledged resistance of feminist activism only in its relationship to the state.

Conversely, Hammami and Rieker looked to a different arena. They maintained that Ghousoub centered on bourgeois women and should instead have focused her argument on subaltern women. They focused on popular culture as arenas of struggle (e.g., zaar, saint

28. Leila Abu-Lughod, “Writing Against Culture,” in Richard Fox (ed.), *Recapturing Anthropology* (Santa Fe, New Mexico: School of American Research Press, 1991) and *Writing Women’s Worlds: Bedouin Stories* (Berkeley: University of California, 1992).

29. Ghousoub, op. cit.; Hammami and Rieker, op. cit.; and Ghousoub [reply] op. cit.

worship or shrine visitation). Thus, they called for an analysis of culture and everyday forms of resistance. To Hammami and Rieker these struggles remain hidden from history because of the hegemony of nationalist historiography. Conversely, according to Ghoussoub, they are in danger of drowning their feminism in populism, and being self-indulgent.

Part of the debate is about the notion of "false consciousness." Hammami and Rieker viewed Ghoussoub as interpreting Arab women as passive and thus accused her of using, by implication, the explanation of "false consciousness." The debate could also have been framed as a view of Islam and the state as hegemonic versus a view that there are equally powerful counter-hegemonic ideologies (e.g., Sufis, one of the counter-hegemonic religious processes in Sudan).

Another major area of contention centers around whether it is class or religion that determines most social processes in the Middle East (e.g., the debates on the conflicts in Lebanon). Hammami and Rieker charged Ghoussoub with neglecting class and reducing everything to "religious differences." Connected to their exchanges are the different interpretations of Islam: is it hegemonic, overarching, a superstructural determinant, a highly codified, unified doctrine, or is it a popular religion with enormous variety and meaning to people as they apply it to their everyday lives?

Implied in the arguments is a rural/urban dichotomy, which takes a special form in Middle Eastern studies because of Islam's association with the urban domain, but where most of the populace is rural. The implication is that if the peasantry is the point of reference (as it was for Hammami and Rieker), this might de-center Islam or de-privilege Islam.

I would like to echo Hammami and Rieker in pointing out the extent to which even radicals resort to Weberian notions of a collective consciousness called "Islam." As I mentioned, we have tried to explain the condition of women by Islam. Muslim women have been seen as enduring a universal uniform state of subjugation. And we mostly assumed that without asking them or even trying to observe what Islam is like in their everyday lives. Related to this, of course, is our using the veil as the signifier. Hammami and Rieker maintained that the veil signifies class more than anything else. This may be overreaching. The process is more complicated than assigning a particular class membership to "veiled" women, even though, as in many other areas, Sudan's Islamist movement is primarily middle-class. But, what is certain is that Islam, the veil, and woman are conflated in many of our analyses of Islamic movements. "Unpacking" these gives us a much more complex portrait on the ground.

The various debates in Middle Eastern women's studies point out the problems of analyzing gender construction. We began with essentialist categories and moved to debunking essentialism, but we have only now begun to see essentialism as programmatic—whether statist, part of a revolutionary movement, part of a feminist movement, etc. Instead of following the path of some feminist scholarship, i.e., beginning with gender and then assigning gender to a class (if we deal with class at all), we would reap more benefits by analyzing shifting essentialisms and contextualizing them. Likewise, instead of beginning with religion and then trying to fit in gender (or the reverse), we might benefit by starting with political economy and the economic-material relations of women and men. Their popular religious practices may be extensions of these economic conditions; the state, as in Sudan, only now trying to re-shape religious ideology through class-interest.

Background to the Islamist Movement in Sudan

Many sources document that Sudan is one of the poorest countries in the world, and made only poorer by the influx of large numbers of international corporations and agencies. It has a mainly agrarian economy with a sparsely developed urban population except for the capital, Greater Khartoum (consisting of Khartoum, Omdurman, and Khartoum North), which dominates national and cultural life. For much of the 58 years the country has been independent from the British (1899-1956), the military has been in power. When the military has not been in power, strong, class-interested religious sectarian parties have dominated. For many of those years the country has also been split by a civil war (discussed below) between the north and south (intermittently since 1955).

In 1985, calling it an Intifada, a civilian coalition, with the help of segments of the military, overthrew the Nimieri military regime which had been in power since 1969. That civilian government, dominated by the Ansar sect (followers of the Mahdi), in the form of Saddig al-Mahdi, head of the Umma Party, established an "Islamic Trend" government. Then in June 1989, a "National Salvation Revolution," another military coup d'État, ousted the civilian government and in essence installed a NIF government.

Until 1983, with the exception of missionary attitudes toward the south, northern Sudanese had been relatively relaxed about Islam, the dominant religion (approximately 70 percent), displaying wide tolerance for diversity. Although there had been the potential for some time for sharia to become the dominant legal/ethical code, before 1983, civil and customary codes had remained dominant.

As for the northern Sudanese women, although wearing a cotton body veil called a tobe and practicing circumcision (both clitoridectomy and infibulation), they were considered by some to be among the “emancipated” women of the Muslim world. This was especially true after 1965, when women earned suffrage, and 1975 when the Permanent Constitution had them sharing with men a number of civil rights and freedoms and being singled out for specific gender-related protections.

Heralding a new era, in 1985 military President Nimeri imposed and attempted to enforce strict sharia and set mechanisms in motion for developing an “Islamic State,” as well as inviting Islamists into his government, namely Hasan al-Turabi, then leader of Sudan’s Muslim Brotherhood (Ikhwan). Since then there has been an intensified struggle between secular forces, who see the non-Muslim southern Sudan, women, and Christians as potentially more oppressed by the imposition of sharia, and cultural nationalist religious forces, who see a “pure” Islam as Sudan’s only defense and salvation against the invading West and the only answer to Sudan’s dismal economic situation (the dynamics of which are discussed below). This is a familiar pattern in the Muslim world.

Confusion and inconsistency marked the 1970s and early 1980s relationship of the contemporary Sudanese state to the Islamists. Until Prime Minister Saddig formed the “Government of Consensus” in the summer of 1988, which invited the National Islamic Front into the official ranks of government, it seemed as if State leaders had courted the Muslim Brotherhood and the NIF, while sometimes seeking to distance themselves from “fundamentalism.”³⁰ In their attempt to gain power NIF supporters have honed a “modern” image. Even the use of the word “trend” suggests something forward-looking. The NIF’s attempt to look “modern” or be modern has meant reference to processes we would generally consider secular, although these are done in an “Islamic way,” e.g., Islamic banking, Islamic insurance companies, and appeal to potential constituencies through the media missionary work.

In many ways biographical descriptions and an analysis of the ideologies of the two major political leaders of the 1980s can illuminate some of the characteristics of contemporary politics. The two major political leaders are: Dr. Hasan al-Turabi (founder of the NIF, architect of the sharia penal code of 1985, and also the version

30. The National Islamic Front, led by Hasan al-Turabi, is a group that split off from the Muslim Brotherhood as a result of political and personality differences centered on Islamic banking. It is now the most powerful “fundamentalist”/Islamist group in Sudan, concentrating more on secular politics than on religious ideology.

put before Saddig's government for consideration in 1988, and Attorney General and Chief Justice at the time I was carrying out my research) and Saddig al-Mahdi (Prime Minister, heir of the Mahdi, Mohamed Ahmed, and current leader of the Ansar Sect and Umma Party). They are both Western-educated—al Turabi in Law at the Sorbonne and Saddig in Economics at Oxford—world-travelled, and are both academic and philosophical sophisticates. Moreover, although Saddig has two wives, both men are married to activist women. Saddig's second wife, Sara al-Fadl, was educated in the liberal arts at one of the "Sister Schools" in the US, and is highly sophisticated and activist. Al-Turabi's wife, Wisal al-Mahdi, is university-educated, well-traveled, poly-lingual, sophisticated and activist.

Long-time leader of the Muslim Brotherhood, al-Turabi has sought his considerable political power through the manipulation of a religious identity seemingly very much apart from that western academic background—while still using some of the tropes and techniques of that secular world. Sudan's contemporary Mahdi, Saddig, is seen by many Westerners as forward-looking in his attempts to reconcile, or more accurately, to balance a family tradition which has both Sufist and fundamentalist elements (i.e., Mohamed Ahmed, the 19th century Mahdi of Sudan and Saddig's grandfather, was trained as a Sufi, but applied a fundamentalist religious code to his Islamic State), with his attraction for Shi'i Islam, while also using certain secular, especially economic, institutions.

One of my research questions was why or if Sudanese leaders often call religion into play during crises. There are some answers from popular and some academic writings, such as the supposed propensity of people, the masses, to embrace religion during periods of extreme deprivation or oppression. Much has been written on the concept of the "religion of the oppressed." But Sudan has been poor for a very long time. Why now? Many people I interviewed stated simply that Nimieri used sharia in 1985 as his final power play. After a few interviews I changed the question to ask what elements we see in most religions—at least the Judaic-Christian-Islamic tradition—which make them useful as political strategies during socioeconomic, therefore, political crises. Are there social processes which religions reinforce or reassert which allow a society to realign itself after social or economic upheavals? I asked if Islam, in particular, lends itself more easily than other religions to a "realignment" strategy? What, in particular, lends itself more easily than other religions to a "realignment" strategy? What, in particular, was happening in Sudan during the post-colonial era? These questions cannot be answered satisfactorily in a brief paper, as they are too integrally connected to the world capitalist system. But we can offer some clues.

In a chapter on uneven development and class formation in Sudan, O'Neill and O'Brien critique "dependency" perspectives of progressive analysts, maintaining that these approaches have not dealt with the competition between fractions of Sudanese capital and the patterns of accumulation that have resulted.³¹ Instead, the authors seek to develop an analysis of the contention between "an agrarian fraction of the emergent bourgeoisie and a commercial (and increasingly bureaucratic) fraction [that] has dominated Sudanese politics."³² Proceeding from the expansion of capitalist food production (in the 80 percent agrarian society where as late as the 1950s cotton accounted for 80-90 percent of the GNP),³³ the impact on the rural population, foreign capital intervention and the restoration of export dependency, they outline the shifting patterns of capital accumulation, class formation, and concomitant economic crises.

Sudan's indigenous industrial capitalist class was very small and dependent on foreign capital. "The primary source of domestic capital accumulation for other nascent capitalists was in agriculture...[e.g.,] private pump schemes along the Nile."³⁴ O'Neill and O'Brien pinpoint three categories of indigenous investors: rich merchants, some tribal heads, and sectarian leaders (the Mahdi and Mirghani families—Umma and Democratic Unionist Parties, respectively). Part of the main politico-economic dynamic in 20th century Sudan has been the conflict between the agrarian capitalist interests of the Umma faction and the cotton-dependent commercial interests of the National Unionist Party. The tragic results of these class formations and antagonisms has been the increasing impoverishment of the peasants, making them susceptible to drought and starvation. O'Neill and O'Brien concluded that:

Limited industrialization and the market imperatives of forms of capitalist agriculture in which output is destined for export and designed to ensure a high return on foreign investment suggest that conditions limit the emergence of a progressive nationalist fraction of the bourgeoisie as a potential ally in the struggle for democracy. This is because where the economic interests of the commercial bourgeoisie become increasingly tied up with foreign capital, there is far less scope for the emergence of progressive elements within.³⁵

Most sources point to Nimieri's running "out of time" or "room to manoeuvre," as leading to his courting of the Islamists in the 1980s, resulting in their having a wedge in the government. The pressures of

31. O'Neill and O'Brien (eds.), *op. cit.*, p. 9.

32. *Ibid.* p. 10.

33. *Ibid.*, p. 18.

34. *Ibid.*

35. *Ibid.*, p. 22.

war with the south, moreover, were weighing heavily on the politics and economy of his regime.

For the Islamists the civil war and the existence of a large non-Muslim population in the south have given them an opportunity to accomplish and combine many things: to use the rationale of Muslim expansion and national Islamic unity to borrow money for military force, thus strengthening state power; to expand in the name of Islam, not Arabs toward Pan-Islamic goals in the region; to quell various nationalities movements by making the south an example; to keep alive rumors of oil in the south to suggest the potential to be a world player; and to show the strength of Islamic culture to unify and heal.

In Sudan Islamization was a movement from above, not an autonomous movement; it was a method of consolidating state control by exerting cultural (religious) hegemony. Most of the lower to middle class women I interviewed, for example, claimed to be religious, but distanced themselves from what they viewed as "fanatic Islam." Muslim southerners, too, exhibited "religious sentiment," but resented state control over religion. Through the years, I have known Sudanese, both northern and southern, to view religion as a private matter.

The variety of state feminism the Islamic regime is exhibiting seems only acceptable to elite Islamist women and a few female religious officials I interviewed (e.g., a sharia judge). Otherwise, there was a considerable resistance—at least verbal—to state Islamic feminism.

Class, Gender and Nationalism

Gender and class relationships in Sudan are similar to Egypt's.³⁶ Early in the century Sudanese attitudes about the "role of women" were prominent in two parallel movements, each associated with a particular social class and with a particular nationalist ideology. Liberal and moderate nationalists of the upper and upper middle classes viewed social reform along liberal, Western lines as prerequisites for independence. The "emancipation" of women (e.g., reform in personal status laws, equal access to education and jobs) was seen as essential to a developing country. More "radical" nationalists of the lower middle classes were demanding an end to British rule, and as a part of the nationalist struggle, tended to romanticize "indigenous" values, including women's role in the domestic sphere, and to foster cultural nationalism. Arguing that it

36. See, for example, Judith Gran, "Impact of the World Market on Egyptian Women" MERIP Middle East Reports, 58 (1977), pp. 3-7; and Judith Tucker, *Women in Nineteenth-Century Egypt* (Cambridge: Cambridge University Press, 1985).

was an imitation of the West and that it would weaken the nation's basic Islamic unit, the family, these cultural nationalists generally opposed women's emancipation in the Western sense.

With late 20th century class shifts, it is now the newly educated urban middle class that is espousing cultural nationalism and attaching profound importance to the family and romanticizing women's primary role in the abrogation of Western culture. This class shift, however, was not so sudden; it has its roots in the 19th century.³⁷ Spaulding tells us, for example, that commercial capitalism began to replace feudalism in the Nile Valley about 1800, a process which was accelerated after the Turco-Egyptian conquest of 1821. Aristocracy gave way to a new middle class which, consisting mainly of merchants, needed a more sophisticated legal and commercial code. Islam was the obvious choice.³⁸ This relationship between Islam and the middle class and Islam and capitalist activity is now even more highly developed. Islam, as an ideology, is often a reflection of these commercial class interests. For some time, the Ikhwan, and now Sudan's NIF, have been mainly recruiting from the urban professional and capitalist middle class. Although Egypt's and Sudan's Ikhwan have always been interested in the commercial aspect of Islam, it is with Sudan's NIF that we see a highly sophisticated rationalization and articulation of Islam and commerce—especially banking.

The Gender Division of Labor and the Law

Turning to law and labor, more specifically the gender division of labor, I observed that these are potential arenas for conflict between Islamist men—the gatekeepers—and women, perhaps especially non Islamist women, who are seen more often as transgressing, creating conflicts of interest. But there also emerge some surprising contradictions.

In contemporary Sudan we have witnessed the simultaneous processes of the secularization of the society and a gradual improvement in the material and public lives of women, on the one hand, and the emergence of Islamism, on the other. That both these processes are manifested through the ideology of the gender division of labor and target women, or at least, are having a profound impact on women, is one of the dynamic qualities of contemporary politics. Perhaps it is more accurate, however, to speak of Islamism as a

37. In the sense of historical continuity, it may not, therefore, be accurate to refer, as I do at many points in this essay, to the formation of a "new class".

38. Jay Spaulding, *The Heroic Age in Sinnar* (East Lansing: Michigan State University Press, 1985).

subversive trend rather than a parallel trend. The “Islamic trend,”³⁹ is the product of a class which seeks to meet the needs of “liberal” international capitalism, without being culturally imperialized, as well as to respond to the continuing crisis of Sudan’s economy. Women and the family unit are among the nexi of these processes. Women’s domestic and wage labor and political participation are analytically illuminating in investigating these processes.

In the immediate post-independence period the state’s expression of gender ideology usually disseminated the message that a “developing” Sudan needed emancipated women. At that time, with the expressed need to build up the urban workforce, the term “emancipated” was thought of as synonymous with wage-earner in the bourgeois liberal parlance, as well as in the Marxist and some of the nationalist vocabularies of post-colonial Sudan. Government media and other state apparatuses (e.g., civil service recruitment, school curriculum) urged the necessity for gender comradeship in developing Sudan. Media images presented the new Sudanese woman as sophisticated consumer or respectable civil servant (earlier as nurse or teacher and later sometimes as doctors). By the 1960s the state could point proudly to the first woman doctors. However, in the decades following we have seen the growth of capital-intensive economic schemes, the appearance of multinational corporations and agencies, uneven regional development, radical changes in labor migration, ethnic power realignments, and Western cultural imperialism, which have all helped to precipitate socio/political/economic crises and which have had, as we might expect, a profound impact on gender arrangements. However, the development in the 1970s of the “Islamic Trend”—or more accurately, the developing politicization of Islam—could be the most significant post-colonial “crisis” for many women, as its ideological expressions often promote an atavist image of them (e.g. reintegrating their duties in the family, etc.). Furthermore, the romanticizing of reproduction could potentially manipulate women out of the labor force or manipulate them into “appropriate” jobs. If these processes develop further, they could set in motion a major contradiction for women, taking hold in less than three decades after a buoyant independent Sudanese society urged women’s “equal participation.” Yet, that contradiction is tempered by the fact that the NIF also uses the claim of “equal participation” for women.

39. This term, however, is recent (1988) and was used by the NIF and others in the government to denote the new Islamic tendency in Sudanese politics. Here I am using it in a general sense to mean the rise of interest in Islam and the development of an Islamic state.

Analyzing the dynamics of the gender division of labor requires an analysis of the class structure of Sudan, a description of the pre-colonial economic roles of women, an outline of Sudan's religious history, and a documentation of the history of women's participation in the informal urban workforce. Obviously, I can only draw an outline here.

During the immediate post-independence years women's participation in the formal workforce increased at a slow, but regular pace, partially as a result of government propaganda (state feminism), but in recent years mainly as a result of Sudan's depressed economy. Now many women have to work for wages outside the home, although that necessity is rarely ever acknowledged.

In the 1960s and 1970s the liberal ideology of capitalism had been effectively disseminated throughout urban Sudanese society; a woman with a wage was seen as an important element in the society, and legal and constitutional apparatuses seemed to support that idea. But material and social conditions changed more rapidly in the 1980s, drastically calling into operation another strand of beliefs governing Sudanese society. We see these conflicting processes in the legal system and in the Constitution, that is, in the areas of human rights, labor laws, and sharia.⁴⁰

It is well known that after the British "reconquest" (1899), two sets of courts were established and that sharia courts were secondary to secular courts. But this began to change after independence, with a growing movement toward Islamization of the legal system. Eventually the transitional Constitution was amended and the Sharia Courts Act of 1967 passed, which ended the subordination of sharia courts.⁴¹

The Nimieri-led military coup d'état of 1969 was heralded as leftist, but with hindsight we now realize that an important, and ultimately prevailing, ingredient was the influence of Pan-Arabism, or cultural nationalism. Therefore, throughout Nimieri's "left" period there was a growing tendency toward Islamization, in general, but specially in the legal system.

After 1971, the Nimieri regime began its shift to the right; and the legal system reflects this: e.g., the Judicial Authority Act of 1972

40. A great deal has been written about Sudan's plural legal system (i.e., customary, civil, and sharia), and it is not my goal to describe or analyze this pluralism. My interest is in the evolution of Islamic precedence as this relates to women, and more particularly, to women and labor.

41. Dina Osman, "The Legal Status of Muslim Women in Sudan," *Journal of Eastern African Research and Development*, 15 (1985), p. 125.

merged secular (civil) and sharia courts. Then the adoption of the Permanent Constitution in 1973, Islamic law and custom were mandated as the main sources of legislation by Article 9. Then in 1983 Nimieri took a bold step when he announced that major changes were to be made which would force the legal system to conform to sharia. The Judicial Decisions Sources Act of 1983 mandated that the court shall decide in accordance with the Koran and Sunnah or principles of Ijtihad. The Evidence Act of 1983 applies conservative laws of evidence to women and non-Muslims (e.g., testimony of women in major crimes is inadmissible; two women are needed to offset the testimony of one man). A process had been set in motion, therefore, for an Islamized Civil Code (1984),⁴² a process seemingly in contradiction with extant ideologies about the status of women and in conflict with the Constitution. The uprising of April 1985, which overthrew Nimieri's military regime, left much of the Islamization process caught in midstream. However, with Mahdist (Saddig al-Mahdi) installed in power (through election) not long after-the Mahdists representing the land-owning and commercial ruling class as well as a special Sudanese combination of Sufism and fundamentalism it was unlikely that these processes would be aborted. To many, the likelihood is that the further politicization of Islam will continue as it has throughout this entire century and much of the last.

Close analysis shows that women were being given contradictory messages. Women achieved the vote in 1965; later equal pay for equal work, in 1975, the right to pensions; special benefits such as paid maternity leaves under the Public Service Regulations; and equality and protections in a number of areas under the same Permanent Constitution of 1973 that raised the spectrum of a more Islamized Sudan. For example, Part III of the Constitution, which dealt with human rights and duties, made no gender distinction, i.e., did not exclude women. In fact, Article 38 provided that "...The Sudanese have equal rights and duties irrespective of origin, race, locality, sex, language or religion".⁴³ Article 56 was a workforce anti-discrimination clause which covered gender. Women were given equal education rights, the right to hold public office, freedom of association and unionization, and freedom of speech and movement. Women and children were even accorded special protection by the State Article 55.⁴⁴

42. *Ibid.*, p. 126.

43. *Ibid.*, (*italics hers*).

44. *Ibid.*

Nonetheless, there was a parallel process being undertaken; it was apparent that the rules of civil and criminal law, procedure and evidence, discriminated against women. There were a number of other contradictory indications. For example, the freedom of movement guaranteed in the Constitution was thwarted in 1987 when a Women's Committee (consisting of one man) was formed in the Department of Passports, Immigration and Nationality to enforce the "rule" that any woman who is travelling abroad has the permission of a male relative—her father, husband, son, etc.—before she is issued an exit visa⁴⁵

That the messages given women were often in conflict in the 1980s merely points to the covert movement away from gender and other egalitarianisms and a movement toward more state control of people's private lives—a tendency more in the spirit of other aspects of sharia and the apparatuses of an Islamic state. The causes of this movement away from the liberalism of incipient capitalism are, of course, complex. The needs of the new, young, recently urbanized middle class and threats to its hegemony have created a greater need for this class—recently moving into power in the government—to operationalize certain aspects of Islamic ideology in the family and in everyday life (including work). This is a socioeconomic process we are seeing in much of the Islamic world : a competition between emerging men of the mostly newly urbanized middle and lower-middle class backgrounds and semi-emancipated women who are, by contrast, from predominantly middle-class, urban backgrounds. This conflict has a great deal to do with changing processes in the world economy and two material processes on a more local level: what Mernissi has pointed out as the exercise of political power and consumerism.⁴⁶ The use of Islam by the State, to nurture and appease these youthful followers (and at the same time manipulate them) "makes sense because Islam speaks about power and self-empowerment" or "worldly self-enhancement."⁴⁷ Such worldly benefits are attractive to a group of societies which has reluctantly had to confront, as Mernissi reminds us:

45. A challenge to this committee by University of Khartoum anthropologist Zeinab Bashir El Bakri, " Will the Minister Be Vetted by the 'Women's Committee'?" appeared in Sudan Times (1987), p.3.

46. I have taken the two phrases, "exercise of political power" and "consumerism," from Fatima Mernissi, "Muslim Women and Fundamentalism," MERIP Middle East Reports, 153 (1988), p. 9, as well as some of the ideas for this section. But Mernissi leans toward psychological explanations, or at least individualistic or nationalist ones. I look to the international economic forces which create these.

47. Ibid.

The inescapability of renegotiating new sexual, political, economic, and cultural boundaries, thresholds and limits. [They have seen] invasion of physical territory...invasion of national television by "Dallas" ...invasion...by Coca Cola.⁴⁸

Among these "invasions and boundaries violations," is the tilt in gender arrangements, which is a challenge to what Mernessi refers to as "authority thresholds."⁴⁹ Suddenly, women appear to have access to jobs, education, benefits, and political participation, and are taking advantage of their new options.

There were many other major material processes taking place in Sudan in the 1970s: the unemployment rate rose and salaries did not keep up with inflation, one of the results of which was an enormous increase in male labor out-migration. At first, the gender arrangements were not appreciably altered because the out-migration was of working class or minor civil service personnel. But soon it was intellectuals and middle to senior level personnel. Although this may have served a government that was under pressure from lending agencies to prune the overburdened civil service, a ramification was that women began to move into some of these better jobs, ones seen as needing to be preserved for men, i.e., better paying and more prestigious jobs.

Sudanese Women and the Contemporary Islamist Movement

It may have been predictable that as Sudan's economic crisis was worsening and consequent demographic fluctuations were creating social upheavals, an Islamic movement, long in the making was able to assume front stage. The economic/ demographic backdrop is a direct legacy of British colonial economic policy, which ultimately has forced hundreds of thousands of male workers and professionals into labor diaspora, not only relinquishing jobs to women, but altering the ethnic composition of the labor force and business communities.⁵⁰ The upheaval in the traditional gender division of labor, by itself, is a quiet cultural/economic crisis which the state, and, as extensions, certain political and religious parties and interest groups, are addressing through mainly cultural processes.

48. Ibid.

49. Ibid., p. 10.

50. A number of sources document the "brain drain," but only in my interviews were the phenomena linked. Interviews in Khartoum with Dr. Afaf Abu Hasabu, United Nations Development Programmes, July 19, 1988; Dr. Nahid Toubia, July 22, 1988; and Fawzia Hammour, Women's Studies Coordinator, Development Studies and Research Centre, University of Khartoum, June 16, 1988.

Since the 1980s, in particular, all political groups—either those in power and integrally connected to the state or those in opposition—have attempted to stabilize or re-gain control of the traditional gender division of labor, thereby attempting to control women's material lives. Two mechanisms are to control aspects of "women's culture" and to direct women's participation in Culture. Elsewhere I have developed the idea that women's potentially liberatory cultural beliefs and practices are consciously thwarted (e.g., the zaar with its unselfconscious encouraging of solidarity and rebellion) by both conservatives and progressives, while other aspects of culture for women (e.g., sharia) are encouraged, or forced, viewed with acquiescence, or rationalized.⁵¹

At least temporarily, Islamist men positioned "their" women in the forefront of Sudanese public life, placing them in the 1980s among the most visible and active women in Sudan. Women were organizing for the Islamic revolution in the schools (where most teachers are women), in nurseries set up in the mosques, and in the medical clinics where they were nurses and doctors. In line with the economic self-sufficiency and anti-Western-imports vision of the National Islamic Front, women were also urged to re-learn traditional crafts and domestic skills so that the family can become an important productive unit again, minimizing dependence on imports.

Even though calling on women to serve the revolution from these traditional service positions might seem a contradiction, not fitting the NIF's call for a "New Movement," it fits with the NIF's appeal to "native" values, defined not as Arab, but Muslim. This movement away from Arab patriarchy toward a purer Islam that would liberate women was the core of the NIF's ideology and one of the bases for its success among women.

The NIF is in a position of needing women's labor power and numbers, while needing to control their income and power. This can also create a seeming discrepancy between ideological prescriptions (including the emphasis on the importance of women's domestic role) and economic and political imperatives (i.e., that women must enter the formal work force). A striking example of the way the NIF is managing labor dynamics can be found in the fields of medicine and agriculture. In the mid-1980s there emerged a series of debates—both public and private—about the need for women's employment to be in "appropriate" fields. A main issue in the debate, claimed the NIF and other conservatives, was not over the admittance of women into the Faculty of Medicine at the University of Khartoum (the most prestigious faculty, and where women had begun to outnumber

51. Hale, "Transforming Culture or Fostering Second-Hand Consciousness?" op. cit.

men), but the particular fields that women were entering upon completion. The call was for women doctors to be guided into mother and child clinics, general medicine, and areas that are seen as less taxing, demanding, and public. These are also the least lucrative.⁵² Although women are the primary agricultural workers in a country that is mainly agricultural, it is not hard to imagine that the field is the traditional preserve of men—at the universities and in government positions. When the faculty of Agriculture at the University of Khartoum was being invaded by women, the NIF and its supporters effectively curtailed that trend.⁵³

As we might expect, this same exclusionary process did not hold for women in working-class positions. Contrary to conventional scholarships on the topic of “fundamentalist” and women’s labor force participation, there is sound evidence that the Islamists are not challenging the numbers of women in working-class or traditional occupations (with the exception of those jobs deemed disreputable such as brewers and prostitutes), but are seeking tight control over women’s access to power and privilege, i.e., through assaults on middle-class women.

Reinventing the Muslim woman as public servant through private life and thrusting her forward as the “vanguard” of the Islamic movement required a great deal of alteration in identity politics in the sense of moving away from the conflation of patriarchal gender relations within the family and religiously-sanctioned patriarchal codes and, likewise, the conflation of Islam and cultural nationalism.

In reading some statements by Hasan al-Turabi and listening to transcripts of my interviews with elite Islamist women, it is obvious that Islamist Sudanese are walking a tightrope in the distinctions they are making between “Arab” and “Muslim” in the current Sudanese context.⁵⁴ Clearly, this distinction is significant in the debates about cultural “authenticity,” and is an astute strategy for northern Sudanese whose Arab pedigrees/genealogies were often said by outsiders to be putative. In the 1960s one could even hear other Arabs challenge the legitimacy of Sudanese Islam. Some of this was racism toward the darker-skinned Sudanese, but there was a feeling that the Sudanese were “further away” from orthodox Sunni Islam and were merely “syncretistic Africans.” Sudanese Sufism and sectarianism often fueled these challenges. Now there is far less room to repudiate them as “authentic” Muslims: Sudan is an Islamic state;

52. Interviews with Dr. Nahid Toubia in 1988. She took part in the debates and is an ex-member of the Council of Surgeons.

53. Part of this debate was printed in *Sudan Now* (1979, 1980).

54. al-Turabi, *op. cit.*, p. 66.

the legal system is based on sharia, and al-Turabi, the architect of the movement, has lent prestige to the Muslim society. Northern Sudanese are engaging in a second major cultural invention—first as Arabs and now as avant-garde figures in a world Islamic revolution.

As I have already indicated, a central strategy of this Islamist movement is to place women and the family at the forefront—the former as organizers and socializers, and the latter as the foundation of an "authentic" culture based on continuity with the Islamic, but not Arab past. In this way, women can be convinced that the Islam that was taught to them in the past, via Arab culture/convention/custom, is not the same as the Islam that will take them forward. And al-Turabi himself speaks of the "liberation of women."⁵⁵ The subtle ways al-Turabi comments on women need to be deconstructed. For example, last year he claimed that:

In the Islamic movement...women have played a more important role of late than men. They came with a vengeance because they had been deprived, and so when we allowed them in the movement, more women voted for us [NIF] than men because we were the ones who gave them more recognition and a message and place in society. They were definitely more active in our election campaigns than men. Most of our social work and charitable work was done by women. They are now even in the popular defense forces...it is natural now in the Sudan...Of course, I don't claim that women have achieved parity...in business...There is a question whether women will ever be present in equal numbers in all domains of public life...In the universities, they join all faculties. Sometimes, they do it deliberately to prove a point. Most of them won't practice engineering when they leave school...(italics mine).⁵⁶

One of the most powerful women's voices in the 1980s was that of Islamist activist and former member of parliament Suad al-Fatih al-Badawi. When she was in parliament she commented:

I do not believe in separate roles [for men and women] in the construction of the nation. Men and women complete and perfect each other...It was an obligation for women [to make] the representation of women authentic and real...Those women who have attained a high level of consciousness which is progressive and untainted by blind imitation of both the East and the West must not be stingy with their intellectual effort...This era is marked by issues of development which the enlightened vanguard must struggle to solve in a fundamental way (italics mine).⁵⁷

55. Ibid., p. 32.

56. Ibid., p. 47.

57. Suad al-Fatih al-Badawi, *Al-Sahafa*, May 3, 1986, p. 10

I have highlighted her carefully selected vocabulary. She was attempting to suggest a forward movement, all the while circumscribing women's roles and underscoring the complementarity of male/female roles in Islam.

The entire campaign for an authentic culture stresses being "natural." One middle-class Islamist woman remarked that for women to be treated differently is the way it should be because women are different. To quote her, "...the entire principle [in sharia] is in accord with the way women are created, since women are naturally empathetic" (*italics mine*).⁵⁸ According to her, we should want to be treated differently in all spheres of life, "We are women after all!" But she quickly added that women can be anything and do anything.

Middle-class Islamist women also told me any number of times that, "We are Muslims by nature, and that the NIF's main contribution is to emphasize the Islamic nature of society." As one remarked, "We want it [Islam] to be the core of life."

The acrimonious debates about women and Islam drew voices such as Taha Ibrahim, a lawyer and vocal critic of sharia. He maintained that:

Islam knows two sorts of male/female relationships (1) buying her—as a slave—and he can do anything with her he likes—violate her in any way...he also owns his own children and can sell them...(2) marriage: in Islam the relationship is based solely on buying and selling... he owns her... he owns her sexual parts... to such an extent that, if she is ill and cannot give him what he wants at any time he wants, she cannot collect alimony. So, with the dowry he buys her sexuality.⁵⁹

A working-class urban woman, who maintained she supported the NIF, living under sharia, and the existence of an Islamic state, expressed it this way:

What have all the others [other regimes] done for us? Where is the equality of women? We have very little hope; we are sinking into the sand, disappearing into the desert. Give them a chance to help us. It is our last hope. Let them [the Islamists] tell me all the rules, let them explain this world to me. Doing so will give me peace. What do I care if I am equal to man anyway? What is this about? I want to eat, to

58. This particular statement is by Wisal al-Mahdi, wife of al-Turabi and sister of ex-Prime Minister and Ansar leader, Saddig al-Mahdi, as part of a July 12, 1988 interview at her home. Also present at that interview were an ex-member of Parliament, Hikmat Sid Ahmed, and sharia judge Nagwa Kamal Farid.

59. Interview with Taha Ibrahim in 1988.

find a good place to live, feed my children, see them protected. Can the Umma [Party] do this for me?⁶⁰

Another working-class woman had other ideas:

I am just a Muslim...I pray, but I am not a fanatic...I greet men with my bare hands [Islamist men and women do not shake hands]. I'm not a fanatic, but I am religious. What they say about the equality of men and women in sharia is false...I want absolute equality with men.⁶¹

Republican activist Batoul Mukhtar Mohamed Taha (niece of Mahmoud Taha and raised by him),⁶² challenged the essentialism of the NIF women, arguing that NIF women accept traditionalist assumptions that men are the custodians of women, agree with the marriage of four women to one man, the woman's "house of obedience," with the beating of women, and concede the exclusive and unilateral right of divorce to men. In a series of newspaper articles she claimed that society needs to value women as human beings, "not as a mere type, the 'female'."⁶³

One of Sudan's most prominent socialist feminists maintained that women were always the chosen ones to be undergirding of the Islamic movement, that the process began in the 1950s with the changes in the school curriculum. An education expert, she claimed that Muslim Brothers had infiltrated the schools and the Ministry of Education long ago, forwarding a very conservative school agenda with regard to subject matter that related to gender arrangements. She was critical of the leadership of the Sudanese Women's Union for not having the courage to confront the personal status laws as a primary agenda. She condemned the decision/policy, extolled by Fatma Ahmed Ibrahim, long-time head of the Women's Union, that members' [of the Communist Party and the Women's Union] private lives would remain private and that religion had nothing to do with politics. This was an invitation, our leftist feminist claimed, for the continuation of women's oppression. It made it easier for the Islamist to take over. "It opened the door."⁶⁴

60. Interview with Awatif Osman [pseud.], 1988. I carried out a series of interviews with doctors, nurses, and workers at Abu Anja Hospital in Omdurman, June 20, 1988. Because of the repressiveness of the current regime, I have either not named or have used pseudonyms for the interviewees. I have not named anyone in this essay who is still in the country, whose views were not already written or well-known, or who said anything self-incriminating against sharia, Islam, the Islamization process, or the regime.

61. See preceding note.

62. Mahmoud Taha, spiritual leader of the Republicans (formerly Republican Brothers), and active dissident against the Nimieri regime, was executed in the 1980s.

63. Batoul Mukhtar Taha, "Today, No Guardian," *Sudan Now*, 13 (January/February 1987).

64. Anonymous interview, 1988, and interview with Fatma Ahmed Ibrahim, 1988.

Although individual acts of resistance are common, organized resistance is rare. The regime was very repressive from the start, banning the People's Assembly, trade unions, political parties and associations, women's organizations, all non-governmental media, and the like. Organized or even individual opposition to the government is considered very dangerous.

Nonetheless, there was considerable individual resistance to these attempts to remold Sudanese women to fit an ideal image of the Muslim woman. Although many women of the middle-class with whom I spoke expressed doubt that anything would change in their everyday lives if sharia were implemented, there were outcries in 1988 from very religious working-class women. Nurses and workers from Abu Anja Hospital in Omdurman expressed defiance against attempts to shape their lives through sharia. One very old Arab Muslim said she would "take to the streets again" if sharia were reimplemented.

The militancy and defiance of the NIF women was striking, differing from the Islamist men I talked with mainly in the former's insistence that Arab customs and patriarchy have oppressed them. Hasan al-Turabi, the clever strategist that he is, has recognized the appeal to women of ending Arab patriarchy in the name of Islam, and has tried to distance himself from the Arab past with regard to women and other issues.⁶⁵

Conclusion

Returning to the above statement by Hasan al-Turabi, it is true that the activities of women under the military and NIF regime are extensive and public. Women are more socially and politically active now than perhaps at any time in Sudanese history. But how much of that activity is only "allowed" by the men and by the state, or prescribed by the state version of "gender activism." Despite al-Turabi's claim that women entered the political arena "with a vengeance" because they had "been deprived," most of the activism did not emerge through the agitation of the women themselves. Moreover, there has not yet emerged an "Islamic feminism" that might challenge some of the government policies that curtail the free activities of women. After all, this had been a long historical process in which first the Muslim Brotherhood and then the NIF, laid the foundation. Sudanese were resocialized through the schools, the mosques, the military, government media, and other institutions. But the economic qualities of this resocialization overshadowed the

65. Lowrie, ed., op. cit.

cultural forms. It is in this sense that I assert that, even though Islamization and gender politics in Sudan are now closely intertwined, it is not Islam, per se, that explains the condition of women.

Interviews with Islamist women reveal their underlying desire to throw off Arab and other forms of patriarchy, at the same time that, to a considerable extent, the economic self-sufficiency seemingly called for in the Islamic revolution relies on them. Many interviewees stressed ideas about how women should behave and dress at work. The NIF stress on appropriate women's dress in the work place is a statement about control of labor resources in the form of the gender division of labor; it is not about religion. The essentialist views of women expounded by Islamist women quoted above—emphasis on family and child rearing and the importance of women in re-socializing the society—are all strategies for the revolution carried out by a group of middle-class capitalists striving to control their own means and mode of production.

In the face of international interlopers, the authentic culture campaign is class-interested and culturally nationalist in the service of those class interests. The cultural legitimacy framework based on Islam verges on essentializing Islam. Women's behavior in the name of the ideal woman is presented as morally central to the ideal family, ideologically manipulated by male-controlled religio-political institutions. For middle-class and educated urban Islamist women, the "gender activists," these are forces that may thwart their own attempts at the redefinition of power and relationship to the state.

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Legal Aid, New Laws & Violence Against Women In Sudan

Introduction

This paper will address the issue of violence against women in Sudanese laws. Since 1989 the current government of Sudan enforced legislation and procedures based on Islamic principles. The present legal practices and fundamentalist Islamic discourse violate previously guaranteed constitutional rights to equality in law of women and non-Muslims in Sudan and disregard international standards of women's human rights.

The paper will survey cases in which some of newly adopted laws such as the Public Order Act, the Family law, the Criminal law and other administrative decrees reflect violence, abuse and gendered power relations which are affecting Sudanese women's citizenship and human rights. The study is based on experience gained through advocacy provided to women victims of violence and female prison inmates.

Preamble

Historically, gender oppression has been practiced against Sudanese women as part of the general social, economic and political structure. Patriarchal hierarchy and biases have mediated women's cultural identity, their relationship with the state and the construction of laws. In the process of this socialisation, women's dependency on the men in their lives: fathers, brothers, husbands and later sons, became the norm, while the social environment reduced them to their most biological functions. Even today, women's accessibility to areas such as legal assistance is extremely limited, and a woman's decision to go to court is largely influenced by the approval of her male guardian.

During the period following independence and particularly as from the 1960's women obtained a significant number of political and civil rights such as equality before the law, equality in job opportunities, right to vote, the right to equal pay, the right to maternity leave, the right of ownership and the right to hold public office. However, lack of or little

education and jobs for the majority left women prey to abusive marriages, harmful custom and traditional practices and exploitative work.

A protracted civil war in the Southern Sudan has furthermore resulted in the plight of hundreds of thousands of Southern Sudanese women who have taken refuge in the Northern towns. Changes in the status of these women have made them most vulnerable to all forms of abuses and violence. Besides enduring the brutalities of the war, non-Muslim Southern Sudanese women living in the capital city Khartoum are also obliged to conform with the strict application of shari'a (Islamic Jurisprudence).

The situation of Sudanese women has been further compounded by a long span of authoritarian governance which culminated in the virulent rise to power of a hard-line Islamic discourse. This development, which began in 1983, has brought in its wake a far lesser commitment to confront gender inequality than had been conceded by previous democratically elected conservative governments. The onslaught on democracy which occurred on June 30, 1989 not only banned all secular opposition, all mass organisations including women's, but also outlawed other more inclusive interpretations of Islamic social justice.

The practices of the present regime in Sudan bear no relation to those outlined in the previous Constitutions of the country (1973, 1985) which provided for equality of women in law and which upheld the diversity of the nation with its multi-ethnic and multi-religious composition. The Constitution is suspended and the entire country is now under a state of martial law.

The legislative power, moreover, has turned its back on all previously recognized international human rights and conventions in respect to women's rights and their development-related activities. Under the present Islamic laws, women are subjected to direct violence sanctioned and condoned by the state in which law and authority are used as tools. Penal measures include the penalties of flogging, stoning and the imposition of a dress code, as well as restrictions on women's economic activities, freedom of speech, movement and association, and lack of respect for ethnic, religious and linguistic minorities.

This paper will attempt to show a significant portion of the present government's actions are directed against women.

This reality has created a diffuse sort of violence against women as evidenced by inequality before the law, socio-economic discrimination, the dissemination of fear, insecurity and political manipulation. Thus excluded from the public arena and threatened in the domestic sphere, Sudanese women are being denied their full talents of citizenship.

In Sudan of today many of the best educated and highly skilled women are leaving the country thus contributing to the "brain drain" as a result of the fact that their attentions have been diverted from the fundamental challenges of socio-economic development.

The Public Order Act

These are new laws to the Sudanese legal tradition and were issued after the 1989 coup which also witnessed the suspension of the Constitution. They originated as constitutional decrees, their source is the President of the Republic.

The Public Order Act was introduced to storm against society's "immorality", to penalize alcohol consumption, to organise market places and to control public appearance. Most of the provisions of this law are regulated by criminal courts. Provisions 77, 78, 79 of the Criminal law constitute the majority of cases against women which include: disturbance of public order, consumption of alcohol or dealing with it. The penalty for these offenses is forty (40) lashes (flogging) if the offender is Muslim, imprisonment and payment of a fine. Yet, most of the cases involve non-Muslim women.

Public Order Courts are mandated to provide speedy justice for violations of the Public Order Law. In these courts, which are similar to exceptional or military courts, women arrested directly from their homes or one day before the trial are brought before the judge who then issues a speedy court ruling. Women are flogged on the spot. They have no access to defense counsel and are not given the opportunity to appeal their sentences in proceedings meeting previous Sudanese legal norms for a fair trial. On some occasions when lawyers tried to intervene on behalf of the women, they were led out of court by the police forces. The justification given for the expeditious nature of these rulings is that a normal court hearing takes a longer time, whereas in these courts (which may last less than twenty minutes) only one hearing is deemed sufficient.

Summary justice violates due process, and is stripping ever larger segments of Sudanese women of control over their lives. Most of the women sentenced by Public Order Courts are non-Muslim Sudanese women who have been displaced by the on-going conflict in Southern Sudan. They have fled from the bloodshed, famine and insecurity and have become heads of households with hardly any means of livelihood. Moreover, these communities abide by their own traditions and socialising customs in which the consumption and brewing of alcohol are not prohibited, unlike in the towns of Northern Sudan where the prevailing shari'a laws are strictly applied. This has led to large numbers of Southern Sudanese women ending up in prison, where alcohol offenses constitute 80% of all 'crimes' registered. Consequently, the

Public Order Laws are insensitive to the conditions of these women for whom brewing of alcohol for sale has furthermore become a means to sustain themselves and their families.

Case

Akol Ariel is a woman from the Dinka tribe, married, with three children. Her house was raided by the Popular Police Force when she and her family were celebrating her sister's wedding. All her brewing equipment was confiscated on the spot. Akol tried to explain to the police that alcohol consumption is a social habit particularly at weddings. Her explanation was rejected. She was taken to court and sentenced to pay a fine. Being poor, there is no way that Akol can pay the fine, which means her prison sentence will be extended.

The Public Order Law contains another provision concerning "moral cleansing". Under this law, the police can stop any woman in the street on the grounds that she is improperly dressed, meaning not strictly adhering to the Islamic "hijab" (generally a loose garment covering head to foot which does not reveal the contours of a woman's body). Infractions of this dress code are immediately punished by dragging the women involved to the nearest police station, where they are insulted and humiliated. Likewise, all female students are prohibited from entering institutions of higher education unless they conform with the Islamic dress.

These measures constitute an assault on women's identity and dignity and are aimed at them solely on the grounds of their gender, treating them as bodies "which invite acts of immorality". Their impact has created a continuous sense of insecurity among women.

The Public Order Law also penalizes prostitution and/or other "shameful conduct". This means that a woman can be charged on grounds of mere "suspicion of the intention of prostitution".

Case

Zeinab Yohanis, an Ethiopian woman married to a Sudanese, was arrested while she was watching TV in the company of friends, and charged under article 5 of the Criminal Law. As she was pregnant, the judge exempted her from flogging (article 35 prohibits flogging of the elderly and the sick). However, Zeinab was flogged just the same. As a consequence, Zeinab lost her unborn baby...

The fourth section of the Public Order Law contains general provisions such as the segregation of sexes in public transport seating and the separation of men and women in public places. Violation of this law requires payment of a fine of five thousand (5000) Sudanese pounds or twenty-five (25) lashes or both punishments. These measures are

particularly inappropriate, given the fact that they have not been taken in response to any women's campaign for separate bussing as was the case, for example, in Bangladesh where women's groups specifically demanded separate bussing to and from the work place as a preventive measure against acts of violence. The provisions of this law, therefore, contain elements of criminal intent, designed to victimize Sudanese women rather than to seek their protection.

The Public Order Law does not provide any safeguards against the abuse of women with refugee status in Sudan, who, due to their precarious situation, may not have in their possession such documents as a marriage certificate when they are arrested.

Case

In Omdurman prison we met with an Eritrean refugee woman, Lotus Farmatin, 30 years old, housewife, Christian, mother of one child. She lives in Gireif, east of Khartoum. Lotus was charged with adultery under article 156 of the Criminal Law (meaning sexual relationship outside marriage). Her story is as follows:

She was in disagreement with her husband whom she married before seeking refuge in Sudan. Things deteriorated between them until it reached the police. The judge asked to see her marriage certificate which she was unable to provide. She was subsequently sent to prison with her eleven month old baby. Due to conditions in the prison, her child died and Lotus suffered a mental breakdown...

The Public Order Law also punishes informal sector activity which is generally practiced by poor women trying to survive by selling tea and coffee. Besides being harassed by passers-by, petty thieves and men seeking their bodies, these women are also subjected to "sweep campaigns" (Kasha) designed to "cleanse the city ". Their meager utensils are usually confiscated on the spot, while most of them risk flogging as they cannot produce the license required to set up a trade...

Family (Personal) Law

Family or Personal Law is the legislation which regulates affairs concerning engagement, marriage, divorce, child custody, inheritance, ascendants, and will.

This Law was issued in 1991 again in the absence of democratic debate and without the participation of the women whose lives are the most affected by the provisions inherent in this Law.

The most flagrant discrimination against women stipulated in the provisions of this Law on which we shall focus concern the following:

The Marriage Contract

According to M. Saeed Al Ashmawi (1992, p.88), the marriage contract is civil even in shari'a and is not a religious contract. It occurs when an adult female and an adult male agree to their union. However, religious movements have given this simple act of acceptance a religious tenor which was unintended in shari'a.

In article 11 of the Family Law 1991, marriage is defined as a contract of (sensual) "pleasure" between both parties according to shari'a. However, "pleasure" as defined in this interpretation is removed from the reality of the vast majority of Sudanese women who have been socialised by custom AND religion into believing that the husband has a sexual right over his wife, as well as the right to enjoy sexual relations with his wife whenever he so wishes, while the woman, if she practiced the same right would be a source of (heavenly) malediction. These "beliefs" are among the main reasons why women rarely seek divorce in court.

Case

Fatma A., lives in the outskirts of Omdurman. Her husband refused to pay maintenance allowance to her and her three children. He continued, however, to demand to sleep with her. She resisted his demands and so he started to beat her, forcing her to give in to his demands.

We followed Fatma's case until we succeeded in obtaining her divorce in May 1996. However, our defense was based on the fact that the husband had stopped paying the maintenance allowance, as our real case for her, which is forced sexual relationship or rape, would not have convinced the judge under the prevailing interpretation of marriage in Sudan.

Guardianship

Articles 32, 33, 34 stipulate that the guardian or protector (Wali) of a woman should be a sane and mature male. This provision further states that no marriage can be signed without the authorisation of the guardian: father, brother, uncle. Should a woman marry without her guardian's consent or without his knowledge, the Law gives the latter the right to call off the marriage. In cases where a woman does not consent to a marriage, the guardian can go through with the signature of the marriage in spite of that. Provisions such as these are reflective of the patriarchal power over women in which Law and authority are used as tools. This is a violation of Section B, article 16 of CEDAW: "the same right freely to choose espouse and to enter into marriage only with their free and full consent".

Case

Haram S. is a 12 year old (!) girl who we met at the shari'a court in Khartoum North. Her father had given her away in marriage without her consent, and she did not even know the whereabouts of her "husband". Our office followed her case until we obtained her divorce. As the Law does not specify an age for marriage, this subjects young girls in Sudan to grave violations of their human rights.

The consent of a male guardian or blood relative is also required by all women, regardless of their age or profession. Women called to attend conferences abroad have experienced this gross violation of their freedom of movement, and above all their dignity, as this guardian can sometimes be their own son or a younger brother !

Polygamy

The Law does not prohibit polygamy and is silent on any restriction in the number of wives a husband can take in marriage. Moreover, the Law does not give the wife the right to divorce when her husband takes another wife. Many pending court cases are of women who are unaware that their husbands have taken a second (third or fourth....) wife.

Case

Mariam H. A., lives in Haj Youssif, East Khartoum. She is from the Nouba Mountains (South-West Sudan), married, with three children. Her husband took a second wife and started beating her. She filed a complaint of battering and abuse. Her husband admitted to battering her in front of the court, but the ruling was not divorce. We changed the reason for demanding divorce, and after a long time, the divorce was granted....

Administrative and Labour Laws

The participation of Sudanese women in public service began in the 1920's, and was then restricted to the fields of teaching and health care. With the expansion of educational opportunities, more and more women entered the civil service. The presence of women in the civil service had a profound impact on the amelioration of working conditions and labour laws for women throughout the country. Women obtained equality in job opportunities, equal pay with men, the right to maternity leave and the right to hold public office.

Since 1989, the exercise of these hard-won rights has been severely restricted by two major developments: political control and coercion aimed at weakening the position of women in Sudanese society.

Dismissal for Public Interest

After seizing power in June 1989, the present regime set out on a massive purge of the civil service and of the institutions of civil society. Thousands of men and women were fired from government jobs for "Public Interest" reasons, meaning in plain language (that they are) politically incorrect. Many professional women from the Judiciary and Foreign Affairs ministry were sent to retirement. Privatisation of banks later led to government layoffs of women on grounds of economic austerity measures. In private sector employment, cases of dismissal are related to pregnancy or maternity although this is not mentioned in the dismissal letter. This occurs in spite of the fact that the Sudan is signatory to the agreement which forbids dismissal of female workers on ground of pregnancy or maternity.

The neutrality of the civil service has thus been completely eroded.

Recruitment, Promotion and Public Appearance

While present and previous labour legislation prohibit sex discrimination in recruitment policies, in actual practice certain institutions such as the Judiciary, the Universities and the Foreign Affairs Ministry are restricting the employment of women. This is so in spite of the fact that the law stipulates that public sector employment is based on free competition and on the basis of qualification. In actual fact, the case of Sarra Y. which follows has become only too familiar to female University graduates.

Case

Sarra Y. graduated from the Faculty of Veterinary Science; her qualifications permitted her to apply for the job of teaching assistant at the University. Her demand was rejected, and a male colleague with a lesser qualification was chosen for the post...

In the area of promotion to a higher scale in office, discrimination on the grounds of religion and gender has lately become the norm. The general procedure is that the head of the department concerned would present a report on the performance of the candidate due for promotion. However, most of the heads of departments who write these reports are men, and one of their latest prerogatives is to add five (5) points to the general evaluation report if they consider that the woman's "public appearance" is in conformity with the teachings of Islam.

This is a notorious development which does not equally apply to men, and had never existed in the Labour Laws prior to 1994.

Criminal Law 1991

Criminal Law defines the forms of conduct which are unacceptable to the society and stipulates them in the form of crimes punishable by law.

We shall refer here to two main issues which demonstrate the way in which the current criminal legislation discriminate against women and violate their human rights.

Article 92 of the Criminal Law makes it a condition that only a woman can (body) search another woman. This remains theoretical if we consider that the entire police force includes in its ranks forty-five (45) women police officers, in addition to one hundred and seventy-one (171) police women. The insignificant number of women police officers leaves women prey to the most demeaning forms of violence, particularly sexual molestation during night shifts, when women officers are generally not on duty. Fearing their superiors, most of the female police officers are silent about the situation.

Conditions are particularly alarming in the women's and juveniles' prison where there are no separate quarters for underage inmates and adults. At the same time no special care is provided for young children living with their incarcerated mothers. This has led to an increasing number of child deaths in Sudanese prisons.

Articles 68 and 69 of the Criminal Law concern so-called Public Disturbance Offenses: riots against the State or illegal gatherings, which may lead to punishments ranging from incarceration to payment of a fine or both. However female offenders are not judged according to these provisions, but are subjected to physical and psychological violence by Security agents. In the best of cases, women who commit such offenses are sent to Omdurman Prison for Women where they are kept with other women criminals, as there are no separate areas for women political prisoners.

Case

S. A. N, a University Lecturer whose brother was sentenced to death, is an opponent of the regime and was exposed to the situation in the women's prison. She was unable to find a proper place to settle down in the prison until the social workers gave her their office. She was detained under these conditions for three months which were extended to a further three months...

Another case is that of a young woman whose husband was arrested and sent to jail. When the security agents came for him, they searched the house and found some anti-government leaflets. They threatened to rape the young woman if she did not inform them of her husband's whereabouts. A nursing mother, she was denied access to her baby for a

long while which affected her mental health. As a result, the young woman and her family later left Sudan.

There are thousands of women like the cases mentioned above who have been tortured, abused and kept for days on end in the offices of the state security.

Perspectives on an Agenda for Action

At the UN World Conference on women in Beijing in September 1995, the official Sudanese women's delegation expressed reservations to the following Articles in the section on Violence Against Women:

Articles 113:

Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation.

Articles 124:

Condemn violence against women and refrain from invoking any custom, tradition or religious consideration to avoid their obligations with respect to its elimination as set out in the CEDAW.

This does not bode well for the immediate future of a violent-free society for the women of Sudan. How to move beyond the exclusive and retrograde views espoused by Muslim fundamentalist men AND women will remain a particular challenge for the women in Sudan. Meanwhile, a valuable contribution to stem the spread of "fundamentalist" violations of Sudanese women's human rights would be to provide sustained support to those groups that are attempting to act outside the sphere of the present state in Sudan.

In correlation with the above, and with the knowledge that international documents have little power in forcing the compliance of governments with their provisions, pressure should nevertheless be brought to bear on the Sudanese government and its legal advisers to ratify the Convention on the Elimination of all forms of Discrimination Against Women as well as all the conventions concerning women's rights. As some twenty-nine African states have ratified the Convention including three states where Islam is the state religion (Egypt, Libya, Tunisia-with reservations limiting its meanings nonetheless), it would appear that there is now more space for regional lobbying on the issue of African women's oppression than in the past, and this potentially transformative occasion should not be missed.

News report: Draconian Law on Public Decency passed in Sudan

KHARTOUM, Sudan October 22, 1996 (PANA) — Authorities in Khartoum, capital of the Sudan, Tuesday, adopted a law that seeks to separate men and women in public places and public gatherings and introduce strict “decency” rules.

The public order, that touches on everything from drinking to dressing, regulates public conduct along the tenets of the Islamic Sharia’a law.

The law, passed by the Khartoum state council, says men and women attending public parties such as wedding parties and galas, should be separated by a barrier and they should not sit facing each other.

Women using public transport will not be allowed to sit on the seat near to the driver and the verse from the Koran asking the believers not to look at the opposite sex should be written clearly on the bus wall.

Owners of cars used for public transport should not write any expression or word that offends the public taste inside the carriage, the law further says.

The law bans the use of tape recordings of “obscene” songs in public transport, public and private places.

Smoking is prohibited in public transport or closed public places, the law stipulates.

In case of demonstrations and popular processions men and women should march in separate columns. Women should be separated from men in public meetings and political gatherings as well.

Men and women, the law further demands, should sit separately in places of recreation.

Women are not allowed to “move about in marketplaces at night unless with a close male relative.”

No sports should be performed with short or tight fitting clothes that may reveal the structure of the human body.

Women sports should be performed in private places and away from places frequented by men, the law adds.

Called the Provisional Decree for Public Order of the State of Khartoum for 1996, the law bans the allocation of dark areas in public places where individuals and groups can sit.

Members of folklore troupes are obliged to put on dresses that cover the body when performing their shows, the law says.

No person, male or female, should go out of his house without wearing clothes that well cover the body.

The taking of or trafficking of alcohol and narcotics is prohibited in public and private places.

The law bans the taking, developing, trafficking and displaying of pictures that contain scenes of naked bodies.

Individuals and groups taking part in picnics, of all sorts, should observe this law.

Males are obliged not to wait near girl schools or the roads leading to these schools without justification.

Public places that render services near girls schools or the roads leading to these schools should not use dark glass windows or curtains at the entrances and such places should be well lit.

The law also demands that private schools should separate male students from females.

Pupils are not allowed to move about outside the school fence during the school day without obtaining permission from the school.

Urinating and defecating is prohibited on roadways.

Cards and the like should not be played in front of houses or on roadways.

The Khartoum council has suggested a comprehensive media campaign to explain the law to the public.

Sudan adopted the Islamic sharia'a law in 1983. In 1991 the government of General Omar el Bashir issued an amended version of that law.

In 1992 the government adopted federal rule to run the culturally and ethnically diverse country of 26 million.

Now it remains to be seen whether other states with Muslim majorities would issue laws similar to the Khartoum law.

Already courts in northern Sudan apply the Islamic penal code that prescribes certain punishments for thefts, liquor drinking and adultery according to the teachings of the Koran or the tradition of Prophet Mohammed.

Ustadh Mohamed Taha: 12 years after his execution

Anonymous

On January the 18th 1985, Ustadh Mahmoud Mohamed Taha was executed in Kober Prison in Khartoum Sudan after a short trial on the previous day. His trial reflected the collapse of the rule of law after the promulgation of the September 1983 Laws, the declaration of emergency and the "Prompt Justice Courts" of 1984. Ustadh Taha's trial was a classic example of an unfair trial.

Ustadh Mahmoud Mohamed Taha was born in a sufist family, in the town of Rufaa (160 miles south of Khartoum) in 1909. His mother died when he was one year old and his father died when he was ten. Despite his family's religious background he completed his education in modern schools and graduated as an engineer in 1936 from Gordon Memorial College (now Khartoum University). He joined Sudan Railways after his graduation.

In 1941, Ustadh Taha resigned his governmental post and in 1945 established the Republican Party. In 1946 he was convicted and sent to prison for his anti-colonial activities. When he was released, he was again sentenced for two years for leading demonstrations in his town Rufaa against a legislation issued by the colonial government. When he was released in 1948, Ustadh Taha confined himself to worship, reading and thinking. In 1951 he published his first book "The Second Message of Islam" calling for a new understanding of Islam. Since then he published several books and gave many public lectures on the subject and he spent almost all his time teaching his ideas to his followers, writing new books and pamphlets and giving public lectures.

His thought became more known to the public after the October Revolution of 1964 which re-installed a democratic system following six years of military in the Sudan. When the Government in November 1965, decided to dissolve the Sudan Communist Party, Ustadh Taha and his Republican Party joined the Congress for the Defence of Democracy which consisted of the lawyers and other professional, employees and workers trade unions and some political formations to defend the right to association and expression. It is his involvement in the discussion on

that issue and the constitutional case related to it which focused on the contradiction between the Republicans and the Moslem Brotherhood. Taha launched a critical theoretical campaign on Dr. Turabi and his Islamic Charter Front. As a counter attack Ustadh Taha was accused for the first time of apostasy before an ordinary Sharia Court jurisdictions were determined by law to look at personal matters of the Muslims in the Sudan (such as marriage, divorce and inheritance). However, Ustadh Taha refused to attend the trial and the court in his absence declared him 'apostate', and decided to divorce him from his wife, confiscate his books, dissolve the Republican Party and close down its offices. The court judgement was not implemented because the court had no jurisdiction.

When Nimeiri took power in 1969, Ustadh Mohamoud Taha and his followers supported him. To overcome Nimeiri's decision of dissolving parties, they changed their name to the Republican Brothers. They continued supporting Nimeiri, until the National Reconciliation in 1978, when they began to be critical of some of Nimeiri's practices especially those concerned with the alliance with the Muslim Brotherhood and traditional Islam. They continued their criticism of Dr. El Turabi the leader of the Muslim Brothers and his group despite that the former became minister in Nimeiri's government. The Republican's criticism of Nimeiri's regime reached its height when Nimeiri issued his Islamic Sharia Law in September 1983. Immediately Ustadh Taha and a group of his followers were arrested and sent to Kober Prison where they spent about 19 months. They were released on 19 December 1984. On Christmas Eve 1984, the Republicans distributed their pamphlet "This or the Inundation" calling for the abolition of September laws, the end of the war in the South, and the beginning of a national free dialogue among the Sudanese to determine their future. As a result Ustadh Taha and four of his followers were arrested in January 1985 accused of instigating hatred against the Government under Article 105 of the Penal Code and corresponding articles in the National Security Act. Despite the fact that none of those articles included any accusation of apostasy, Ustadh Taha was sentenced to death convicted of apostasy. The sentence was carried out on 18 January 1985.

Dr. Amin Mekki Meddani: on the Trial of Ustadh Mahmoud

In a paper presented to the International Law Association Dr. Amin Mekki Medani wrote about the Ustadh Mahmoud trial:

Finally, came the saddest case in the Sudan's history which more than anything else, demonstrates the callous exploitation of Islam for purely political purpose. Ustadh Mohamoud Taha was a 76 year old man, engineer by profession, a well known Islamic scholar for some 40 years and leader of the Republican Brotherhood. Appalled by Nimeiri's September laws and their implementation, the Republicans distributed a leaflet to

the public describing how the regime's practices were in effect an insult to Islam. Taha and some five members of his group were sent to trial on charges under the Penal Code and the State Security Act for opposing and waging war against the regime. All the accused were sentenced to death. However, although the trial court had not charged the accused of an offence of apostasy, the trial judge gave the accused a period of 3 days to repent or reject their views (in accordance with one view of the Sharia).

The Court of Appeal ignored the charges for which the accused were convicted at the trial court but confirmed the sentence of death for the crime of apostasy which was not a defined offence under the Penal Code or any other law in force. Instead, the Judge El Mikashfi exercised his own Ijtihad (jurist reasoning) based on the Source of Judgement Act (which enabled Courts to punish persons for offences not specified in Penal Code). The sentence also provided that Taha's body should not be buried in the Muslim Cemetery, no prayer ceremony should be held for his soul and his books and all his properties should be confiscated. Three days later, Nimeiri, in exercising his prerogative of mercy, gave a televised statement explaining the "legal" reasons why he had no option but to confirm the death sentence. Ustadh Taha was executed the following morning 18.1.1985 at Kober Prison. His body was flown by helicopter to a place unknown.

The other five accused, who were forced to witness their leader's execution, were immediately thereafter subjected to a morbid ordeal called Istitaba (repentance). In a long nation wide televised intimidatory drama led by El Mikashfi, they were forced to choose between their leader's faith or condemning him as a kafir (infidel) and apostate and denouncing their belief in his thoughts. Their confirmation of their belief in Islam, God and Prophet Mohammed did not satisfy their tormentors. In the end, they had no option but to succumb and repeat the exact words dictated to them to save their lives and be "Welcome[d] back to the family of Islam" as El Mikashfi congratulated them in ending the ordeal.

The full extent to which Taha's case represents a morbid utilisation of Islam can be fully appreciated by reading the judgement of the High Constitutional Court in the case of Asma Mohmoad Mohammed Taha and Abdulatif Omer Hassaballaa v. Sudan Government, in a suit brought by Taha's daughter and one of the Republicans who went through the istitaba dramatic scenes. Although the Attorney General, representing the Sudan Government as defendant, conceded all the substantive issues in the suit, the Court saw fit to deliver a full judgement in view of the case's historic constitutional significance.

The judgement establishes, in my opinion, a classic piece of Sudanese constitutional precedent. Although it is long and very relevant to the

issue of fair trial, especially in a political Islamic context, space would only permit pointing out the following salient features pertaining to reversing the 1985 judgement:

a. Although the President had power under the Judiciary Act to constitute criminal courts, he had no power to name individual judges to try specific cases. His choice of the particular judge to try Taha raises doubt on the neutrality of the Court.

b. "The proceedings of the Court of Appeal took such an unusual course tainted with Political considerations making it difficult to trust the justice of its judgement."

The reasons for this were given as follows:

i. The court finally gave a new judgement not related to the one presented to it for confirmation or otherwise.

ii. The court exercised its powers in such a way as to make it difficult to reach a verdict supposed by the evidence. The Court's finding that the leaflet circulated by the Republicans called for a new understanding of Islam, different from the one practised by the people, is totally unsupported, and shows that the Court had from the outset decided to address the Republicans' thought, rather than the alleged charges under the Penal Code and the Security Act.

iii. Taking advantage of the trial courts' unwarranted reference to "repentance", the Court of Appeal proceeded to consider the crime of apostasy under the Sharia. Referring to the Sources of Judgements Act, the Court found that apostasy was indeed a capital offence in Islam. It proceeded from there to decide that Taha was an apostate from his deeds and sayings "known to the public at large", in so far as he did not say his daily prayers; and that a Sharia court, without having competence, had declared him an apostate in an opinion in his absence in 1968.

iv. "It would be needless for us to elaborate in describing that this finding goes beyond any principles of justice...". Whether those established and practised, or expressly provided for in the laws of procedure and the 1973 Constitution, which was then in force. The Penal Code contained no offence known as apostasy and the 1973 Constitution provided in Article 70 that no person should be punished for an act before its commission. In reaching its finding and condemning Taha for apostasy, the Court had set itself up as a legislative authority in clear contravention of the principle of non-retroactivity of penal laws, as stated in Article 70 of the Constitution. Even if the Court discovered a basis for a new charge, the least it could have done was to send the case back to the trial court or hear the accused in defence of the new charge.

c. According to Section 234 of the Code of Criminal Procedure, a sentence of death had to be sent for confirmation by the High Court, not by the lower Court of Appeal. The President's decision to give jurisdiction over the case to the latter court was contrary to the law and could very well have aimed at attaining the end result, the execution of Taha.

d. Section 247 of the Code of Criminal Procedure expressly provided that the death sentence should not be executed on persons over 70 years except in crimes of Hudud. The addition of the conviction of apostasy by the Court of Appeal could only be interpreted as a means to evade the provision of Section 247, and execute the 76 year old man.

On the basis of the above reasons the Constitutional Court declared the judgement of the Court of Appeal null and void.

One can hardly venture to add any more reasons or arguments to show how Islam and the law could be so manipulated to achieve a political objective. By executing Taha, Nimeiri and his collaborators did not only believe they were getting rid of an Islamic scholar who would continue to expose their politicisation of Islam, but they also thought they would intimidate all political opposition to their "Islamic republic". Much to their disappointment, the exercise turned out to be counter productive. The shock of the nation mobilised and activated a massive popular uprising which succeeded only 75 days after the execution to bring down Nimeiri's might, after sixteen years in power.

Source: Sudan Human Rights Voice, January 1998, pp.4-5.

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The Offence of Rape in the Islamic Law of Pakistan

Rubya Mehdi

In 1979 the Islamic regime of Pakistan introduced changes in the law of rape, providing Islamic standards of proof and punishment for this crime. The law concerning rape was made part of the ordinance, called The Offense of Zina (Enforcement of Hudood) Ordinance, VII of 1979 (The term zina encompasses adultery, fornication, rape and prostitution). The ordinance also deals with the crimes of fornication and adultery which were not regarded as crimes in Pakistan before 1979.¹ By contrast in most western countries, adultery is considered as immoral, but it is not punishable as a crime the way it is in Islamic law. Fornication, on the other hand, is not even regarded as immoral as adultery in most western countries, while it is also a major crime in the eyes of Islamic jurists. In almost every other country in the world rape is categorized as a crime different from fornication and adultery but the ordinance of 1979 makes fornication and adultery a crime similar to that of rape in Pakistan. This has complicated the already complex law of rape.

In 1977 General Zia took power after a military coup. When he failed to fulfill his promise of holding elections, he tried to justify his rule on the grounds that God had given him special responsibility to turn Pakistan into a truly Islamic state. He made vast changes in the criminal law as well as in the constitution of Pakistan. Apart from zina, he introduced Islamic punishments for theft and the drinking of alcohol etc. General Zia's rule of ten years became known as a period of islamization. He died in an aeroplane accident in 1988 and was succeeded by Benazir Bhutto. Her election program included the undertaking to abolish all laws discriminatory to women. But until now she has not been successful in reverting any of the laws passed under the movement of islamization.

1. Adultery was a crime before 1979, to the extent that if a man had intercourse with the wife of another person without his permission, he would be punishable for adultery. Women were not punishable for this form of adultery. Punishment for such adultery was imprisonment for a term which may extend to five years or with a fine, or both. See section 497 of the Pakistan Penal Code 1860.

There was little discussion about the law of rape in Pakistan before 1979. Maybe because feminists (feminism in the context of Pakistan is not yet defined; roughly it means women fighting for women's problems) in Pakistan found other problems more important than the issue of rape. The changes to the Islamic law of rape in 1979 made women in Pakistan react strongly, because it posed a direct challenge to them. The definition of rape as it was provided for in Islamic law of 1979 was similar to the definition provided in section 375 of the Pakistan Penal Code, prior to 1979, with the exception that the earlier law protected girls under the age of fourteen with whom sexual intercourse was prohibited with or without her consent. Zina ordinance does not provide any protection to girls of less than fourteen. Moreover, the law before 1979 declared that rape in marriage is not considered as rape if the wife is over thirteen years of age. The major difference between the two laws is that the Islamic law has changed the punishment of imprisonment and fine (ten years' imprisonment and fine) into the punishment of whipping and stoning to death. The major difference concerned the evidence about the offence of rape. In the 1979 ordinance very hard and fast rules have been prescribed for a witness, for example Tazka-al-shahood enjoins upon a Qazi (Muslim judge) to inquire into the character of a witness and his credibility. The court must be satisfied that the witnesses are truthful and abstain from major sins. Moreover, only muslim male witnesses are accepted which was not the case before 1979.

My purpose in this article is to focus on the issue that fornication and adultery have been made crimes similar to the crime of rape in the zina ordinance and subsequently emphasis on the crime of rape has been reduced. In a male dominated society such as Pakistan, this has given more power to men over women's bodies in spite of the increase in severity of punishment. The Islamic Government of Pakistan maintained that the new law was in accordance with the Quran (the holy book of Muslims) and Sunnah (sayings and deeds of prophet Muhammad), while feminists said that this was a misinterpretation of the Quran. It may be that traditional Islamic law laid more stress on fornication and adultery than rape, because the phenomena of rape might not have been common in the early period of Muslim history. But whether or not this is the case, the traditional Islamic concept of rape is not applicable in Pakistan today, where women demand protection against rape.

The law of rape is unique in its nature, in the sense that its victims are female, and in practice the distinction between consensual sex and rape is very difficult to define in most cases, because non-consent is so difficult to establish legally. In western countries the main problem concerning this crime is the issue of how vulnerable the victim made herself to the rapist and thus it is easy to place the responsibility of the crime on the victim by focusing blame on her. The dilemma facing the western legal

system is that on the one hand a rapist should not go free, on the other hand an innocent man should not be convicted on the basis of an allegation made by a woman who consented to sexual intercourse.

The most usual form of rape in Pakistan (as far as we know at present) is the situation in which the rapist does not know his victim beforehand and a woman is suddenly attacked. The situation in which a man knows his victim is typically a landlord and peasant-women relationship or boss and lower working-women relationship. Young girls are also exposed to rape offences. As a priority, women in Pakistan want protection from the forms of rape which are those in which there can be no question of consent on the part of the woman. Those forms of rape in which the question of consent arise are usually when the offender knows his victim beforehand. This situation is probably not very common in Pakistan because of the segregation of sexes, seclusion of women within their homes and the non-existence of free sexual morality.

I feel that criminologists and sociologists should not try to look at rape phenomena in Pakistan the way it is looked at in western societies. Of course there are universal facts about the situation of women, but the problem should be looked at within the perspective of each individual country. For example, in the West the problem of rape is surrounded by discussions about genuine consent and victim-precipitated rape etc. (Smart, 1976; Clark & Lewis, 1977; Snare, 1984; Carstensen et al, 1981). These are the issues which are found in almost all rape discussions in the West, whereas these issues are not relevant for Pakistan at all. What is important to focus on, when analysing rape in Pakistan, is the political situation, because changes in rape law, along with other aspects of criminal law, were definitely made with political intentions. The Government used Islam as a means of obtaining legitimacy, i.e. to justify unconstitutional and illegal usurpation of power by a military dictator. In the process the Government used Islam to deny women their rights. Women were made special victims of these laws.

The next issue which is relevant for Pakistani and for western women, is the gender role system and the need to understand patriarchal culture, and male/female sex-role socialization. Pakistan is a Muslim patriarchal society, where a feminist interpretation of Islam has not really developed. The process of the islamization of laws has reinforced the already deeply rooted and staunch notions of male domination in Pakistani society. It has affected men's attitudes towards women to the extent that when the movement of islamization started and orders were issued for the women in government service to wear the chader (a piece of cloth to cover their heads) incidents were reported, where men slapped women's faces in public places for not covering their heads. This shows how islamization made men feel powerful enough to control women. Therefore to look at rape with reference to gender role and patriarchal social structure is as

important in Pakistan as anywhere else. Feminists in Pakistan have not yet analysed the rape phenomena within these terms of reference. Mostly they are engaged in agitating against the injustice done to women in particular rape cases.

The law of rape becomes more complicated when consensual sexual intercourse without valid marriage (i.e. fornication/adultery) is also considered a crime similar to that of rape in Muslim countries. Let us see the offence of rape as given in the Zina (enforcement of hudood) Ordinance VII of 1979 of Pakistan.

Rape is defined, in the ordinance, as different from consensual sexual intercourse. It is defined as:

... if he or she has sexual intercourse with a woman or man, as the case may be, to whom he or she is not validly married in any of the following circumstances, namely

- (a) against the will of the victim,
- (b) without the consent of the victim,
- (c) with the consent of the victim, when the consent has been obtained by putting the victim in fear of death or of harm;

or

with the consent of the victim, when the offender knows that the offender is not validly married to the victim and that the consent is given because the victim believes that the offender is another person to whom the victim is or believes herself or himself to be validly married.²

In the non-Muslim world it is established that victims of rape are always female. But the zina ordinance makes females legally punishable for committing rape, i.e. the victim of rape could be a male. What it really means is not clear, since there has been no case where a woman would be accused of committing rape. Sabiha Sumar, a Pakistani writer on the subject argues that:

... the concept of rape as defined in the zina ordinance defies a basic biological fact that a woman can not rape a man. Rape laws all over the world carry a certain bias against women and the accused is often freed on the grounds that the woman may have seduced him. But since seduction implies consent on the part of the man, as opposed to rape which is pure force, a woman can not be termed a rapist. Yet, ours is the only country where a woman can actually be punished for raping a man (1989).

Moreover the definition of rape excludes the possibility that a man may be guilty of rape, if he has sexual intercourse with his wife, knowing that she does not consent.

2. Offense of Zina. (Enforcement of Hudood) Ordinance VII of 1979. Section 6.

The ordinance, in accordance with traditional Islamic law makes rape liable to hadd punishment and to tazir punishment. The former are severe punishments in comparison to the latter. Hadd punishment for example includes stoning to death, amputation of limbs and whipping, while tazir punishment includes only whipping, imprisonment and fines etc. (for details explaining hadd and tazir see Lippman et al., 1988). Rape categorized as liable to hadd is really of an academic nature, as the standards of proof required for it are so difficult to meet that there is very little possibility that a rapist would ever be punished for rape liable to hadd. Proof of rape liable to hadd could be in two forms. First, if the rapist makes a confession before the court. The confession can be retracted any time before the execution of punishment, in which case it cannot be carried out. Second, if at least four Muslim adult male witnesses, about whom the court is satisfied having regard to the requirements of Tazkiyah-al-shuhood that they are truthful persons and abstain from major sins, give evidence as eye-witness of the act of penetration necessary to the offence.³ Now as far as the first form of proof is concerned it is difficult to imagine that a rapist would come to court and confess his shameful act. Obviously there is a greater possibility that, if caught, he would try to refuse and plead not-guilty but the confession is deemed by Muslims to be possible, at least, in an ideal Muslim society. The second form of proof is also difficult to meet, because how could a rapist commit rape before four adult, pious and male witnesses? It should be noted that women and non-Muslim men are not accepted as witnesses for this purpose. This is highly discriminatory against women and non-Muslims. The test to examine the credibility of the Muslim male witnesses, called Tazkiyah-al-shuhood is also very severe and difficult to meet, bearing in mind the moral situation of Pakistani society.⁴ The rapist, knowing the law, would try to commit the offence when no men, at least Muslim men, were around. When even the evidence of the raped woman is not acceptable, this puts the offender in a very privileged position and it should be noted further that four pious male witnesses must have seen the actual penetration during the act of intercourse. It is not enough if three of them have seen the actual penetration and the fourth one has only seen the rapist running away from the place of the offence.

For the punishment liable to hadd, the status of the offender is a basic consideration. If the offender is a married person he would be stoned to death ("such the witnesses who deposed against the convict as may be

3. Ibid. Section 8

4. Tazkiyah-al-shuhood is an obligation on the part of the gazi (muslim judge) to ascertain the righteousness of witnesses, that they are truthful persons, and abstain from major sins. Major sins are, for example, adultery, theft, drinking alcohol, embezzlement, murder and false accusation.

available shall start stoning him and while stoning is being carried on, he may be shot dead, whereupon stoning and shooting shall be stopped").⁵ If the offender is not a married person he would be punished with one hundred lashes in a public place and with such other punishment including the sentence of death as the court may deem fit, having regard to the circumstances of the case.⁶

As I have mentioned above, there is very little possibility that hadd punishments would be inflicted on a rapist due to the strict standards of proof. This is the reason why, since the implementation of the ordinance, no rapist has been awarded the hadd punishment.

According to the ordinance, if the required standard of proof for hadd is not available, the offender would be liable to tazir, on the basis of other evidence.⁷ Punishment for rape liable to tazir is twenty-five years' imprisonment and thirty lashes. This is the working law of rape as almost all the cases are tried under tazir. For the purpose of punishment under tazir no difference is made between a married and unmarried offender.

This is the law of rape, as it stands in the zina ordinance. The next aspect is to view the ordinance on fornication/adultery in relation to rape.

Generally a view has prevailed in the west that the ordinance fails to differentiate between rape and fornication/adultery. Lucy Carroll (1983), an American scholar, provided some defence for the ordinance that sufficiently differentiates the two offences. She was right to the extent that the punishment for rape is twenty-five years' imprisonment as opposed to ten years' imprisonment for adultery/fornication in tazir.⁸ If an unmarried rapist confesses in order to attract hadd punishment, punishment in that case is not confined to one hundred lashes (as in adultery/fornication), but he would also be subject to "such other punishment, including the sentence of death". In spite of these two distinctions, the ordinance in practice fails to make a distinction between the two offences. (See Table 1 for a comparison between rape and consensual sex, provided in the ordinance). As we can see, the standard of proof provided for in both offences is the same. Moreover, in practice the ordinance has confused both issues; one which is with the consent of the parties involved, and the other which is without the consent and

5. Ibid. Section 7.

6. Ibid. Section 5 (2).

7. Ibid. Section 10 (3).

8. Ibid. Section 10 (2) With this reference the case of Ghulam Rasool v. The State. PLD. 1982 Federal Shariat Court 209, is interesting, when it was discussed whether a fine should be imposed on a rapist as well as on a fornicator and adulterer/adulteress.

entails violation of the victim's mental and physical integrity. By making fornication/adultery in itself a crime, the ordinance reduces the stress on rape as a heinous crime, since fornication/adultery are also similar crimes in the eyes of the ordinance (at least punishment in hadd for fornication/adultery is the same as for rape).

In the case of fornication/adultery, men and women are medically examined, the man for sexual potency and the woman for the condition of the hymen and the existence of tears, and vaginal swabs are taken to see if they are stained with semen. The medical examination of the victims of rape is also done in the same way.

In the cases of fornication/adultery, the woman might plead non-consent on her part (that she was raped) in order to avoid punishment. A man, on the other hand, would be in a better situation if convicted for fornication/adultery instead of rape, as he would prefer a punishment of ten years to that of twenty-five years. He cannot avoid thirty lashes in either situation. In fornication/adultery he would also be liable to a fine, which is not imposed on a rapist.

By making fornication/adultery a crime, the ordinance has created hardship for women. The law confuses the issue of rape with fornication/adultery. The demarcation line between the two offences is so thin in practice that when a woman comes into the court with a case of rape, there is a possibility that she might herself be convicted of fornication/adultery, because of lack of evidence to prove the case of rape. The onus of providing proof in a rape case to court is considered equivalent to a confession of sexual intercourse without lawful marriage. And if the woman is also pregnant, as the result of rape, this is a further proof that sexual intercourse without lawful marriage has taken place. Now if she fails to establish a case of rape, she is in danger of being punished for a maximum prison sentence of ten years, thirty lashes and a fine for fornication/adultery. This happened in the case of *Safia Bibi v. The State*,⁹ where the bare confessional statement of the girl was the only evidence against the male accused, and it was held that in the absence of any other evidence the male accused could not be convicted on her confession. The victim in this case was a blind girl. This case received considerable publicity in the national and international press. Her conviction was, however, set aside because of public pressure.¹⁰ In a

9. PLD. 1985 Federal Shariat Court 120.

10. See also the case of *Jehan Miva v. The State*. PLD. 1983 Federal Shariat Court, in which the pregnancy of a woman was held as proof of her sexual intercourse with someone outside marriage. She could not establish a case of rape and was convicted for zina. She was sentenced to three years plus ten lashes. But considering her state of pregnancy it was held that giving birth to and rearing a child is essential, and therefore the sentence of whipping and imprisonment was suspended by the Federal Court until the child reached the age of two.

similar case a thirteen year old girl became pregnant as the result of rape. Unable to convince the court that rape had occurred and since her pregnancy was taken as proof that sexual intercourse outside marriage had taken place, she was awarded the tazir punishment of thirty lashes and three years' imprisonment. She gave birth to the child in prison. Her sentence was later reduced by the appellant court. Because of this situation women are more afraid than before to bring a case or rape to court, and in turn this could, of course, encourage rapists.

Combining the offence of rape with fornication and adultery is also reflected in the official data about these crimes provided by the Bureau of Police Research and Development, Ministry of Interior, Government of Pakistan, which published a number of cases in the year of 1983 and 1984 on fornication, adultery and rape under the one heading of zina, thus categorizing rape with fornication and adultery.¹¹

The law of rape in a society shows its attitude towards women. In the Pakistani male dominated society where great stress is laid on women's modesty and chastity, a woman is more likely to be blamed for making herself vulnerable to the rapist or introducing an element of stimulation for him. (The act of going out alone at night and not covering her body properly could easily be attributed by the courts as provocation on the part of the woman.) This attitude is reflected in most of the cases decided under the ordinance. In the case of rape, it is considered important that she should show strong resistance, as the result of which marks of violence should be visible on her body.¹² In the case *Bahadur Shah v. The State*¹³ the conviction of rape was converted into fornication/adultery because the female doctor while examining the victim ... "did not observe an injury on the thighs, legs, elbows, arms, knees, face, back and buttocks of the victim", and it was held that "she was bound to sustain injuries like bruises, contusions, scratches or abrasions on different parts of her body as she was supposed to put up resistance." Torn clothes and other injuries to the victim are also an important element in a case of rape, because the universal contention is that it is important that a woman is not falsely accusing an innocent man of rape due to her own sexual and emotional problems. Therefore actual physical violence is considered by legal practitioners to constitute proof that consent did not take place. As anywhere else in the world, courts in Pakistan are more

11. Ch. Abdul Majeed A. Auolakh. *Crime, punishment and treatment in Islamic Republic of Pakistan*. Lahore 1986. p. 54.

12. *Abid Hussain v. The State*. PLD. 1983 Federal Shariat Court 200. The court found the appellant woman to be "of easy virtue accustomed to sexual intercourse". Conviction of rape was set aside. See also: *Khoedad Khan v. The State* PLD. 1980 Peshawar 139.

13. PLD. 1987 Federal Shariat Court 11.

likely to put the blame on a woman in cases where strong resistance is not visible.

There is no doubt that in Pakistan men are fully guarded against any false accusations of rape, while women are more vulnerable to being made a victim of rape and then accused of sexual crime. In Pakistan, cases where the rapist has been convicted, are mostly those involving young girls, where the act has been carried out in a very brutal way and in which considerable physical injuries were inflicted on the victim. Whenever there is a delay in reporting the case, or in the medical examination, the accused gets the benefit of the doubt.¹⁴

Asma Jahangir (1989), a woman lawyer in Pakistan, has noted the increase in police involvement in rape cases. She reported 15 incidents during 1988/1989 where women in police detention were raped by police officers. Moreover, she has mentioned a study of women prisoners in Multan, according to which 43% of women convicts complained of sexual exploitation by the police. In the case *Abdul Kalam v. The State*¹⁵ bail was granted to a police officer for an alleged rape since the victim was found to be "habitual". No explanation was provided for the word "habitual". This increase in police crimes against women might be because of the general attitude of the law to protect rapists.

In conclusion I would say that the situation in rape cases in Pakistan is very alarming. First, it is impossible to inflict the severe hadd punishment on the rapist because of its high standard of proof. Hadd punishment, in fact, could only be inflicted if rape were committed in public. (Because of the extreme vulnerability of women in rape cases, (one section of) women in Pakistan has demanded severe punishments for rapists while others regard these Islamic punishments as inhumane and demand a different kind of law altogether.) Secondly, the testimony of rape victims has less weight than the testimony of Muslim males. For hadd punishment, a woman's evidence has no value. Thirdly, for punishment of rape under tazir a woman runs the risk of being implicated as an accused in fornication/adultery if she fails to convince the court that rape has taken place. Fourthly, the offence of fornication/adultery lies so close to the offence of rape that the severity of the rape offence as a heinous crime is reduced. This reflects the social attitude of legislation towards women, which was also reflected in the policies of the former Islamic regime of Pakistan.

Two trends are already visible in the Pakistani feminist movement in reaction to the shariat laws. The first trend is the movement which is an

14. See *Sanaullah v. The State*. PLD. 1983 Federal Shariat Court 192. *Khoedad Khan v. The State* PLD 1980. Peshawar 139.

15. NLR 1986 SC 61.

opposition force to the implementation of Islamic laws. According to feminists, these "classical" Islamic laws are outdated and they should be replaced by another kind of law altogether. The second trend is the movement which holds the idea that traditional Islamic law needs re-interpretation and that religion should not be confused with a patriarchal social structure.

It is doubtful if the first trend could be popular in Pakistan, keeping in mind the social and cultural reality of Islam in the country. Therefore feminists in Pakistan argue that an Islamic framework for the women's movement is necessary. This trend has already given rise to feminist interpretation of Islam, and would pave the way for women theologians in future (Khawar & Shaheed, 1987).

Table I

Division of offender into Muhsan and non-Muhsan	Proof for Zina and rape liable to Hadd	Punishment for Zina and rape liable to Hadd	Proof for Zina and rape liable to Tazir	Punishment for Zina and rape liable to Tazir
Zina (consensual sex)				
Married offender (adultery)	(a) Confession of the crime (b) Four Muslim adult truthful male eye-witnesses	Stoning to death at public place	No standard proof is provided, at discretion of judge	Imprisonment for a maximum of 10 years, 30 lashes and a fine
Unmarried offender (fornication)	(a) Confession of the crime (b) Four Muslim adult truthful male eye-witnesses	One hundred lashes at a public place Stoning to death at a public place	No standard proof is provided, at discretion of judge	Imprisonment for a maximum of 10 years, 30 lashes and a fine
Rape				
Married rapist	(a) Confession of the crime (b) Four Muslim adult truthful male eye-witnesses	Stoning to death at public place	No standard proof is provided, at discretion of judge	Imprisonment for 25 years and 30 lashes
Unmarried rapist	(a) Confession of the crime (b) Four Muslim adult truthful male eye-witnesses	One hundred lashes at a public place and other punishments including death sentence	No standard proof is provided, at discretion of judge	Imprisonment for 25 years and 30 lashes

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Customary Practices Among Muslims in Gomia, Bihar

Geetanjali Gangoli and Seema Kazi

Background

Bihar is among the most socially and economically backward states in India. Social inequality in Bihar is amply visible. In order to illustrate the socio-economic context within which underprivileged groups (including Muslim communities) exist in Bihar, it is necessary to highlight a few statistics from the state. While there does not exist a direct causal relationship between customary practice and socio-economic conditions, both are also not mutually exclusive. For example, in a context where Muslim communities are victims of displacement, as they indeed were in Kundwa Basti, the very notion of a woman's right to property was rendered redundant.

The Female-Male Ratio¹ in Bihar witnessed the most rapid absolute decline when compared to other states—from 972 in 1901 to 911 in 1991.² The proportion of the rural population of Bihar living below the poverty line is 66%—the highest among all states in India. Bihar's fertility rate (4.4) is also among the highest in India, contrasting against a coercive family planning programme³ and an extremely low rate of fertility decline. The female literacy rate⁴ for girl children above the age of seven years for Bihar is 22.9%—the lowest in India after Rajasthan.

Shreemati Chakravarti and Sunila Singh conducted field work in Gomia on indigenous women's knowledge of water and health care in Jharkhand. They shared their findings in a workshop held at the Asia

1. The FMR (Female-Male Ratio) is an indicator of the quality of social relations between men and women. India has one of the lowest FMR's (927) in the world. Bihar's FMR (911) is the lowest after UP, Punjab and Haryana. (Sen 1996)

2. This cannot only be ascribed to female infanticide or systemic gender bias – both of which still exist – but is also a result of economic change where "...given the tendency of economic development to affect men more rapidly than women: the current lifestyle of women in say, rural Bihar or Uttar Pradesh is probably much closer to what it was at the beginning of this century than in the case of men". (Sen: 1996: 154).

3. Sen: 1996: 171.

4. Literacy rate, age 7+, 1991, % (Sen: 1996:18).

Institute of Technology between 7-9 August 1995. This study provides some background information on the area where we conducted interviews.

Gomia with a total population of 163,576 (Census of India, 1991) is located in Bokaro district. It is located in South Bihar and constitutes part of Jharkhand (forest area). There are no direct train links between Gomia and Patna, Jamshedpur or Ranchi—the three big cities of Bihar. It is connected to Calcutta by a direct railway link because of a large multinational explosive factory called ICI explosives (Imperial Chemical Industries, headquartered in London) which has a Head Office in Calcutta.

The area is dominated, both economically and culturally, by two factors—Imperial Chemical Industries, which manufactures explosives and the coal mines in Bokaro. Coal dust is as much a part of the area as is the dry heat. The water level in the area has been reduced drastically due to indiscriminate cutting down of trees by the industrialists. The area has witnessed massive deforestation. Just three decades ago this area was home to wild animals including tigers and foxes. There is not much forestation left. In one of the hamlets that we visited in Gomia, we saw children who displayed all the classic signs of malnutrition—protruding bellies, skinny limbs.

The population of Gomia is made up of tribals—mainly Santhals, Oraons, Munbas, Kharias. There are a total of 86 primary schools, 15 middle schools and 6 high schools. There is no government hospital—only a single primary health care centre, three health sub-centres and three family planning centres. The ICI hospital is exclusively for employees of the company.

There are 32 panchayats (locally elected village councils; a panchayat is also treated as the lowest administrative unit in India. ed. note) in Gomia. However, no elections for panchayats have been held since 1978. There is a dominance of outlawed militant organisation called Maoist Communist Centre (MCC).

Rates of literacy are less than 4% among men and less than 1%⁵ among women in Chithi village, a Haryan village, while in Khenra Basti, where ICI employees live, the literacy rates are 61% for men and 35% for women.

The process and logic of development in Bihar is such that it has adversely affected Muslim families in the area. Landlessness is a consequence of the construction of a dam in Lalpania. The residents of Kundwa Basti in Lalpania (where 4 interviews were conducted) have been served notice to vacate their homes as the dam is being extended. No official compensation was paid up, nor has alternative accommodation been provided. The argument of the government is that since most of the

5. This is much lower than even the corresponding literacy rate of Burkina Faso in Africa – a country with one of the lowest literacy rates in the world.

Muslims residing in the area are “outsiders” (i.e., they had come to the area to look for jobs), they have no right to stay in the area anyway.⁶

In this context, many of the queries that we had planned seemed irrelevant, such as those on inheritance. For those steeped in poverty, questions on division of property may well seem an intrusion. There was some subtle questioning of our role: among those interviewed, one woman repeatedly asked us to approach “officers” in Delhi to get her a house in Indira Niwas Yojana, something that neither of us were competent or powerful enough to do. Like many others in the area, she had applied for free housing under this scheme, meant to rehabilitate the poor. Her application was rejected, because in Bihar, the beneficiaries of such government schemes are not Muslims in most cases.⁷

Several dams have been built in the area, depriving many communities of their rights to land. As a woman in Lalpania town said, “We underwent great hardship because land was taken away due to the dam which was constructed later. Everything was lost...My children and I had very little food”.⁸

We conducted interviews with 12 women and one Kazi in Gomia and Lalpania, regarding customary practices among Muslim communities in the area. The women interviewed were either Sunnis or Ansaris. There does not appear to be a significant difference in the customs and practices between Sunnis and Ansaris in the area. This paper is divided into five sections, looking at marriage, divorce, inheritance, guardianship and family planning.

Section I: Marriage

Ten out of the twelve women interviewed were married. Of the two single women, one was engaged to be married, while the other was an educated woman in her thirties. Both seemed to be exceptions to the general trend to teenage marriages.

For most women in Gomia as well as Lalpania, the age of marriage was generally low. Out of the 12 women who were interviewed, three said they were too young to remember their age at marriage, while another two said they were between 10-12 years old when they got married.

As a woman from Lalpania⁹ said, “I was too young, I cannot recall. I was perhaps eight years old. I do not remember anything.”

6. Interview with Amtulnissa, Lalpani on 15.03.97. Sr. Jessica from Lalpania provided us with some details of the economic and social status of Muslims in the area. All interviews were conducted in Hindi and translated by the authors.

7. Interview with Mehmoona, Bhatbasti, Rai Mohalla on 14.03.97.

8. Amtulnissa, op-cit

9. Ibid.

Most of the other women were married between the ages of 15-17 years. A 20 year old woman¹⁰ who lived in Mohalla Darzi and worked with Mahila Jagriti ("Women's Awakening"—a women's organization) in Gomia, was to be married shortly. This was not her personal decision, since her parents arranged the match, but a possible reason for her relatively late age at marriage could be her contribution to the family income.

A woman from Gomia said that in her community (Syeds) there was no fixed age at marriage. Marriages were usually fixed between the children of uncles or among "khandaans" (families) after matching the sects of the families. She had this to say:

Some people, people with conservative views get their daughter married very early. The point is to get them married. They are not really bothered about what happens to the woman after she is married.¹¹

Dowry was a significant factor in most arranged marriages. A woman from Lalpania asserted that there could not be any marriage without "tilak" or dowry.¹²

A woman from Suyadi Basti said that demands for dowry also determined the age at which women married:

Some girls are getting married later because of higher dowry. Even the poor have to pay tilak of Rs. 15,000 to 20,000. This forces parents to put off marriages to save money for the tilak.¹³

In most interviews, a question on how marriages are conducted was answered by women describing the high rates of dowry in the area. Dowry is considered essential to marriage.

There seemed to be two conflicting views on dowry. A couple of women felt dowry did not exist earlier. This might not be true because they were perhaps talking of their marriage and not as a general rule. Other women felt that while dowry has been practised over generations, the rates of dowry have escalated over the years. As a woman said:

There was no tilak in my marriage. Nowadays tilak is widely practised. Since I have daughters I have no idea how we are going to eat (after paying for the tilak).¹⁴

She went on to describe demands for dowry which were either in Rs.20,000-30,000 in cash or kind (motorcycles, etc.) apart from household utensils, and said that it was fast becoming an impossible situation.

10. Interview with Kehkashan, Gomia basti, on 15.03.97.

11. Interview with Kahkshan, Gomia basti, on 15.03.97.

12. Interview with Ayesha Khatoon, Bhatbastee, Rai Mohalla on 14.03.97.

13. Interview with Rashida Khatoon, Suyadi Village, Gomia on 14.03.97.

14. Amtulnissa, op-cit.

An unmarried woman in her thirties strongly felt that the practice of dowry among Muslims was the influence of other communities. She felt that men are responsible for demanding dowry and that parents may look at it in terms of selling their sons.¹⁵

All women had arranged marriages which were usually formalised through their immediate families. Women did not play any part in choosing their husbands. A woman we interviewed is engaged to be married soon.¹⁶ While she has not seen her future husband, he has seen her. None of the women we interviewed had chosen their husbands themselves. The option of choice is not socially acceptable and by extension simply not available to women. As a woman from Lalpania pointed out, it was not so for men:

This option (marriage by choice) is available to men. The man visits the girl's house in order to see her. She serves him "paan" or tea and he looks at her. If he likes her, he will marry her and if he does not, he will go back to his house and later convey to the girl's parents that he does not want to marry her. Nowadays, men make sure they meet the girl themselves. They do not want to leave it to their parents since they feel they (the parents) might just get an incompatible partner.¹⁷

Very few women had a formal nikah with witnesses. Nor is a formal Nikahnama drawn up. Considering that several women were married while they were very young, the notion of consent or legal signature is irrelevant. However, in some cases a Nikahnama was drawn up. As a woman from Bhatbasti, Lalpania describes:

The boy's parents approached us. A paper nikahnama is prepared which is written by the husband and the malik-mukhiya (the village head) of the village. This has the dowry amount and the mehr.¹⁸

A similar Nikah was described by a Syed woman from Gomia.

Considering that a Nikahnama is necessary to formalise a Muslim marriage, most marriages according to classical Muslim law were invalid on grounds of lack of consent. They are also invalid from the point of view of the legal age of marriage for women.

Mehr

The amount of mehr fixed during marriages—particularly across generations—fluctuated. For a couple of older women the mehr amount was Rs.400. As a woman pointed out:

15. Kehkashan, op-cit.

16. Shabnam Ara, op-cit.

17. Interview with Maimoonissa, Kundwa Basti, Lalpania, 15.03.97.

18. Mehmoona, op-cit.

Rs.400 used to be a lot of money in those days.¹⁹

For another woman who also belonged to an earlier generation the mehr was Rs.500. She too said the mehr amounts have gone up and are now as high as Rs.10,000-20,000.²⁰ For one woman, the mehr amount should have been Rs.500, but since it was her husband's second marriage, her mehr amount was raised to Rs.5,000.²¹

A woman from Gomia Basti said with a certain degree of pride that in her sect (Syed) the mehr amount was between 14,000 to 50,000, while for others it was as little as Rs.500. She felt this was a paltry amount and was practices among economically deprived julahas (weaving community).²²

The point to note is that irrespective of the amount, none of the women eventually got their mehr. Nearly all women said that mehr was only paid upon divorce and not during the course of the marriage. One of the interviewees could not recall a single woman from her mohalla (area) who received mehr during marriage though she felt that a woman was entitled to mehr on the basis of Quranic law, but that this seldom happened.²³

A woman from Bhatbasti, Rai Mohalla said that mehr amounts were between 5,00-10,000. It was difficult to think that this was economically possible for families in this area to pay such amounts, given the high rates of unemployment or the very meagre daily earning. This was true for all the other bastis we visited. She pointed out this contradiction, even as she spoke of her own perception of mehr:

The Quran says that the mehr has to be paid or forgiven, but this does not happen. And most are so poor, how can they pay? The husbands earn and feed us—that takes care of mehr.²⁴

A woman from Lalpania also perceived mehr as the payment of a share of the husbands daily earnings for the upkeep of his wife and children.²⁵ Another woman from Bankmod Basti in Lalpania said:

I myself have no demanded my mehr as I share this house with my husband and children.²⁶

Most women perceived mehr as a favour rather than a formal legal right. Since women got their mehr only upon divorce, the notion of mehr as a step to guarantee women's economic rights was quite meaningless.

19. Interview with Mohiban Khatoon, Lalpania, on 15.03.97.

20. Amtunissa, op-cit.

21. Interview with Aseeran Khatoon, Lalpania, on 15.03.97.

22. Kehkashan, op-cit.

23. Shabnam Ara, op-cit.

24. Mehmoona, op-cit.

25. Amtunissa, op-cit.

26. Ayesha Khan, op-cit.

Another woman pointed out that the mehr also depended upon the amount of tilak. If the tilak was low, the chances were that the mehr would be low too. She said:

My tilak was so little, how could I get a good amount as mehr?²⁷

Mehr did not exist as an independent legal right, but was determined with reference to dowry.

Polygamous marriages did take place, though they were not common. There was a case of polygamy in Bankmod Basti. In this case the first wife continued to stay with the man, while the second wife lived separately. A woman interviewed felt polygamy was an injustice, since the second marriage was based on the husband's personal choice and he favours the second wife.²⁸

Section II: Divorce

Divorce is not very common among Muslims in Gomia and Lalpania. However, the threat of divorce is an underlying reality for women. This leads to a situation where women display a matter of fact attitude towards divorce and the resulting dislocation.

Most divorces are initiated by the man and are given to women in the form of triple talaq. Another, less common form of divorce is to approach the panchayat;

An activist in Mahila Jagriti Kendra, described this method of divorce in these words:

Some (divorces) are conducted through the panchayat. The husband states the reason for the divorce before the panch (elected representative of the village council) and the woman has to accept.²⁹

The helplessness of the woman in such a situation is reiterated by other women we interviewed. Another woman pointed out that if a man wants to divorce his wife, the panch cannot do anything to dissuade him.³⁰ However, in the syndrome of powerless—in this case, women—not only being blamed for the ills that befall them, but accepting the responsibility, women suggest that the faults of the wife in most cases lead to divorce. Divorces are said to occur when the wife disobeys the husband. Wasira Khatoon had this to say:

(The man divorces the woman) if the wife is promiscuous, sleeping around and behaving like a prostitute. So many women behave like this. Or, if she cannot conceive. If the woman cannot have a child, why should the man keep her?³¹

27. Ayesha Khan, op-cit.

28. Maimoonissa, op-cit.

29. Shabnam Ara, op-cit.

30. Interview with Wazira Khatoon, 15.03.97.

31. Ibid.

Women appear to have accepted their roles as submissive wives. They accept that any transgression, even involuntary, for instance, by failing to conceive, can be legitimately punished by divorce. However, there are women who cannot comprehend why men divorce their wives.

I don't know much about this (why divorces happen). I can't specify reasons why this happens, why men want to leave their wives. (All I know is that) when a husband pronounces talaq thrice, the nikaah is invalid.³²

In this seeming lack of comprehension, there could be a hidden resentment of the unrestricted powers that men have over the lives of women.

The force of ideology is maintained and strengthened by religious leaders. In a misogynist society, such leaders articulate sentiments that blame women for the ills that befall them, even if they are in their own vision, pro-women. For instance, a Kazi belonging to the Ansari clan we interviewed felt that a number of divorces were initiated by women who were unable to adjust to their marital homes. As he put it:

The truth is that girls do not get the same treatment in their husbands' home as they do in their parents' house...the girl who cannot tolerate this asks for a divorce. The Committee feels that the parents of the girl should conduct inquiries before the marriage, so that after the marriage, such questions should not be raised by the girls' side, at least.³³

When asked why the parents of the girl agree to such divorces, he said forcefully that in such cases, it is the parents who push the girl to divorce her husband.

The girl complains to the parents. The reality is that the girl cannot adjust. In such a situation, the parents should encourage the daughters to be patient. The parents who indulge their sentiments act like this and break up their daughter's home. Sentiment destroys everything.³⁴

There are two conflicting versions of reality that are created here. One, that women are divorced by men for reasons best known to them. Second, that women are responsible for the divorce—either by transgressing socially defined roles or by initiating divorces themselves. It is of some relevance that none of the women interviewed had heard of women initiating divorces themselves, even though there was an awareness that there is a provision for this in the Quran. It may well be that the Kazi's descriptions quoted above are based on his own fears of transgressive women, rather than on reality as experienced by women.

32. Amtulanissa, op-cit.

33. Interview with Mohammad Yasin Ansari, Ex-MLA, Congress Party, Kazi and member of Anjuman, on 13.03.97. Italicized words are English in interview.

34. Ibid.

Following divorce, the woman has to undergo iddat, a period of 3 months and 10 days, during which the woman is paid maintenance by the husband. This period is to determine pregnancy, and if the woman is indeed pregnant, she is entitled to support until the child is 2 years old. While the period of iddat is supposed to be one of seclusion, during which there are no sexual relations between the man and woman, in reality, the woman rarely observes seclusion. As the Kazi put it:

There is no connection between seclusion and iddat. The woman is entitled to maintenance during this period, whether she stays at home or goes out. Obviously, if it is a poor woman who has been abandoned by the husband, she cannot stay at home. She will go out to earn money. The iddat period is only to determine pregnancy.³⁵

Economic vulnerability in these cases lead to a relaxation in the rules followed during iddat.

An interesting aspect of the study was that all the women interviewed stated that mehr was returned at divorce. The Kazi spoke to us of a measure taken by his committee to prevent divorces, that was to increase the mehr amount.³⁶ In other words, unlike in other parts of the country, mehr is always paid up at the time of divorce and higher mehr is seen as a way to dissuade men from divorcing their wives without any concrete reason.

When we asked how poor men manage to pay mehr, especially if it is fixed at Rs. 10,000 by the Anjuman, in the case of the Ansaris, one woman replied indignantly that the man has to pay up, whether to do so, he has to sell off his land or his house. As she put it:

If he divorces his wife for no fault of hers, he has to pay the mehr.³⁷

A woman in her forties shared with us that in her youth, mehr and dowry was not given to the woman at divorce, while these days, it is easier to get back dowry now. The woman suggested that women get their mehr back these days for two reasons: inflation and the need for a monetary provision is she wants to remarry.³⁸

There are, however, cases even today, where mehr is not returned at divorce. In fact, if the divorce is seen as the fault of the woman, her father has to pay an amount equivalent to the mehr decided at marriage to the groom. This is seen as a fair compensation for the expenses incurred by the husband after marriage.³⁹ In other cases, the payment of

35. Ibid.

36. Ibid. According to Ansari, raising the mehr to Rs. 25,000 is "to increase the financial load on the man."

37. Wazira Khatoon, op-cit.

38. Asiran Khatoon, op-cit.

39. Waziran Khatoon, op-cit.

the mehr is a symbolic gesture, as in one instance, when the woman was given a sari at time of divorce, not the money promised at the time of marriage.⁴⁰

Attitudes to divorce women range from a casual acceptance to outright condemnation. In all cases, the woman returns to her parents' home, as it is considered "haram" (a sin) for her to stay with the husband after the divorce. These women pointed out that the way in which the divorced woman was treated in her parents' house depended on their economic status. A prosperous family looks after her. If the family is poor, she is fed only if she herself goes out of the house to earn a living.⁴¹

Most women interviewed pointed out that divorced women remarry in almost all cases. One or two, however, observed that it was not very easy to get a match for a divorced woman. As one woman put it:

Naturally, it is easier for a virgin to get married than a married woman. Every one is curious to know why the woman has been divorced.⁴²

Difficult as it is, the need to re-marry is seen as vital, as keeping an unmarried grown-up daughter at home is seen as wrong and dangerous. The fear of the woman going astray, especially since she is already sexually experienced seems to be a central motif, as the insistence on remarriage reveals.

One woman mentioned the possibility of hilala marriages. These are conducted when the man divorces the wife in a fit of anger, by uttering talaq thrice, but regrets it later. The woman is made to go through a marriage with another man, and a second divorce, after which, the first husband can marry her again. In such cases, often the second marriage is with a small boy, i.e. it is a symbolic marriage. However, such marriages are not common, and there appears to be some degree of disapproval expressed towards hilala marriages.⁴³

One woman expressed a view of divorce that was unique. To quote:

I believe that a divorced woman should be shunned. It is against religion to drink water at the hands of a divorced woman. After she dies, it is a sin to read the namaz at her burial.⁴⁴

The view quoted above is remarkable in that it expresses sentiments that are alien to Muslim beliefs. While there may be a muted disapproval of divorced women, and a discomfort with the danger they seem to represent, none of the other women interviewed, nor the Kazi, expressed

40. Maimoonissa, op-cit.

41. Shabnam Ara, op-cit.

42. Waziran Khatoon, op-cit.

43. Ayesha, op-cit.

44. Rashid Khatton, op-cit.

such strong condemnation. Nor does MPL legitimise any such attitude. On the contrary, the remarriage of divorced women is seen as a viable possibility, failing which the parents are responsible for looking after the woman. It is possible that the views expressed by this woman are heavily influenced by upper-caste Hindu attitudes towards divorced women.

Section III: Guardianship and Custody

Guardianship rights over children were vested with men. Men usually kept the children after divorce, unless the children were very young. There was also an unexpected link between guardianship and mehr. As one woman put it:

If the woman gives up her children (upon divorce) she gets her mehr. If the woman wants her son, she has to forgo her mehr.⁴⁵

Another woman considered it proper that children should be in the father's custody. She said, "...why should they go to their mother when they belong to their father? Only if the father does not look after the child does the mother take the child." One woman also felt that no man will leave his children to be looked after his mother.⁴⁶

There was a consensus that the children would stay with the father after the marriage was over, as the children were seen as belonging to the father. The explanation given for this was startlingly feminist.

If my husband leaves me, I will leave my child with him. Why should I take the child with me? It is his child. Who will marry me if I have another man's child with me? (emphasis in original)⁴⁷

In some sense, the assertion is remarkable for its unsentimental and practical approach to life. One reason for this is that women who take the responsibility for their children after divorce are not given any support by their ex-husbands. As the following extract from the transcripts reveal, this is naturalised.

There is no question of the woman getting financial support if she keeps the children. In all cases, the husband wants the children. So, if the mother desires to keep the child, it is her choice. He does not provide her [with] anything. Usually, the children remain with the father.⁴⁸

Only one woman stated clearly that in her opinion, the man should support the children if the mother keeps them.⁴⁹

45. Shabnam Ara, op-cit.

46. Rashida Khatoon, op-cit.

47. Ayesha Khan, op-cit.

48. Amtulnissa, op-cit.

49. Asiran Khatoon, op-cit.

The question of custody has to do with the choices that are present before the woman after divorce. In most cases, the woman hopes to get re-married. Under those circumstances, a child from an earlier marriage is seen as a hindrance by the second husband.

Section IV: Inheritance

The question of inheritance was often meaningless in contexts where people had been displaced and did not own any land themselves. As a woman from Lalpania pointed out, "But for us the question does not arise—we have no land for anyone. We don't have a house—what can we give anyone?" She also felt that girls did not really "deserve" to inherit since they already had their dowry once they were married off and "only those who did not have brothers get property."⁵⁰

The customary practice with reference to landed property was completely in favour of men. As one woman pointed out:

Everything goes to the sons. The parents owe her (the woman) a share, after all they have given birth to her, but you know what the world is like, don't you?⁵¹

A similar view was also echoed by another woman, "women do not inherit, nor do daughters-in-law. Everything goes to the brothers."⁵² It is presumed that women do not need to inherit after marriage.

Even as women are denied their inheritance rights, some have also internalised this social subordination and believe women should not inherit at all.

Women who wanted to claim to inherit could also approach the courts of the local "Anjuman" could intervene on her behalf. A woman said some women might demand their share if they need it. Even if this were to happen, it was difficult to presume that the woman would successfully reclaim her property.⁵³

A woman could only inherit if her brothers allow her to have a share in the family property. We asked a woman what happens in case the husband dies—does the woman inherit in this case? She said, "The wife continues to live in the husband's house and has a claim on it. Her father/brother-in-law have to give her a share."⁵⁴ For another respondent this happened in practice. Upon her husband's death she inherited his share of the property. She also gave her sister-in-law a portion of her husband's family land where her sister-in-law built a house.⁵⁵

50. Mehmoona, op-cit.

51. Wazira Khatoon, op-cit.

52. Maimoonissa, op-cit.

53. Shabnam Ara, op-cit.

54. Ibid.

55. Amtulnissa, op-cit.

For women who are determined to inherit or own property, the odds can be quite high. An activist pointed out the manner in which witchcraft is used to deny women access to property. Witchcraft is not confined any more to tribal areas, but is now used against women from different religions. She cited the case which came to Mahila Jagriti. A single Muslim woman owned a house. Her Hindu neighbours wanted her house and called her a witch. An activist intervened and with the help of Mohammad Yasin Ansari convinced people around that this was done to get access to her property. She silenced her tormentors by threatening to file a case against them.⁵⁶

A woman from Gomia Basti felt that if women claimed their inheritance rights they severed links with their families. She felt that if women demanded rights from their brothers, they would not be able to return to their natal families in case there was some problem in their marriage. She was critical of such women, as it seemed to her to violate some unspoken rules of female behaviour. Women should not feel deprived if denied inheritance rights, but should be grateful if "given" it by their families voluntarily. Thus "sensible" girls did not ask for a share in the property, specially if it is a large family. Her sister, however, was given a share in the family property, though she did not ask for it.⁵⁷

Section V: Contraception

The reality of poverty and malnutrition creates a situation in which looking after and bringing up children is exceedingly difficult. In Gomia, as in other parts of the country, the responsibility for controlling the size of the family is vested with the woman. At a general level, contraceptive methods are not very commonly used in Bihar. This is equally valid for all communities. A study of currently married women in Bihar aged between 13 years to 49 years, who are aware, have ever used and are currently using any modern non-terminal methods of contraception bring this out.⁵⁸

Aware of	Ever used	Currently using
66%	6%	3%

There is a widely prevalent view that contraception is forbidden in the Quran, but this was somewhat liberally interpreted by the women we interviewed. Most women had used some form of birth control or the other, but the consensus was that sterilisation was forbidden by the holy text. In most cases, other forms of birth control were used, such as oral

56. Conversation with Sr. Pilar on 13.03.97, Gomia.

57. Kehkashan, op-cit.

58; Jean Dreze and Amartya Sen, Ibid.

contraceptives, injectable contraceptives and the loop. Husbands have no objections to their wives using these methods. As one respondent said somewhat sarcastically, "Why should men object? They are the ones who are responsible?" It seems to us that this statement brings out the hidden resentment that some women feel towards irresponsible men, who share none of the agonies that women undergo regarding these questions. It also appears that women feel that sex is primarily for men's pleasure. As far as women are concerned, sex is linked to reproduction, whether desired or not. We are not altogether sure about whether women have a sense of themselves as sexual creatures or not. It is possible that a sense of reticence—on our parts as well as theirs—prevents this expression.

On the question of sterilisation, only one woman took a rigid stance on this question, and expressed these sentiments:

The Hadith does not allow sterilisation. Only women who are not afraid of the consequences, do not worry about gunah (sin), about what would happen after they die go ahead and undergo this operation. Most women take (contraceptive) pills. If a woman undergoes an operation, namaaz is not read at her burial. A maulvi who did so unknowingly, was horrified when he realised later that the woman had been sterilised. How can a non-believer understand this? Only someone who fears Allah can comprehend any of this.⁵⁹

None of the other women expressed such a strong emotion towards this issue, even those who themselves do not use any method of sterilisation. As one such woman put it:

I do not use anything myself. (If women do), it depends on their happiness."⁶⁰

None of the women we interviewed admitted to having undergone the operation. Some of them, however, spoke of other women who had. In such cases, the husbands had consented to the operation, though as one respondent pointed out, the Quran states that he who consents is also guilty.⁶¹ The consent of the husband appears to be based on a realisation that they cannot afford to look after more children.

One of the women we interviewed had given birth to 16 children, of whom 14 are alive. The youngest is 2 years old. The woman, during the formal interview said that she had taken some medicine to abort one or two pregnancies but the medicines had no effect on the pregnancy. Later, she told us that she wanted to have an operation, but she would have to do it surreptitiously as her husband and older sons were not in favour of this. She went on to say that it was virtually impossible for her to undergo an operation surreptitiously.⁶²

59. Rashida Khatoon, op-cit.

60. Asseran Khatoon, op-cit.

61. Shabnam Ara, op-cit.

62. Maimoonissa, op-cit.

The experience of the woman cited above brings out that the permission of the men in the family was vital before the women can take any important step in this respect. Women have virtually no autonomy in taking such decisions. In this case, it is not just the husband who had a say in the matter, the sons too asserted their point of view. However, this woman was seen as unique—the other women we interviewed in the village insisted that we meet her. The general attitude towards her was a combination of amusement and sympathy.

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Afghanistan: **Taleban beat Afghan woman over bare ankles**

Sayed Salahuddin

KABUL, January 16: Men of the purist Islamic Taleban militia beat a woman with a thick belt in a Kabul shopping area for failing to cover her ankles on Thursday, witnesses said. "I saw a crowd of people on the pavement watching a woman being beaten. She was alleged to have been improperly dressed", said one onlooker, who asked not to be named. A Taleban fighter said the woman had been punished for not covering her ankles in line with a strict Islamic dress code.

The Taleban issued guidelines a week ago on how people should behave during the Moslem fasting month of Ramadan. The guidelines, prepared by the Department for Promoting Virtue and Suppressing Vice, warned women not to leave their homes without a valid reason during Ramadan, when Moslems abstain from food, drink and sex during daylight hours. "Our esteemed sisters are asked not to go out of their house without a legal excuse," the document said. "In case they have to leave their houses, they should be veiled from the head to below the ankle".

Mullah Enayatullah Baligh, deputy head of the department, said then that women were authorised to leave their homes to buy food, visit patients in hospital or attend a funeral. "But they should not just wander around in the markets and parks. If a man sees a woman during Ramadan, he will be provoked", he said in explanation of the restrictions. Since they captured Kabul on September 27, the Taleban have enforced their purist version of Islamic Sharia law, ordering women to wear the

all-enveloping burqa, a robe that covers the whole body from head to toe with a cloth mesh over the face. The militia has banned women from working in government offices and closed all schools for girls. They have ordered men to grow beards and cover their heads, in line with edicts enforced in other Taleban-controlled areas of Afghanistan.

The beating of the woman on Thursday was not the first such incident in the relatively cosmopolitan Afghan capital. Witnesses say women have been lashed, hit or intimidated on several occasions for what the Taleban see as moral crimes. "I can never forget the day my friend was beaten nearly to death for talking to a woman who was not veiled properly. She was lashed three times", said the owner of a cosmetics shop.

The Taleban have decreed death for murder, 100 lashes and stoning to death for adulterers, and amputation for theft. The Voice of Shariat, the Taleban-run radio, said on Wednesday that two fornicators had been arrested in Kabul and a murderer in western Afghanistan. It did not say if they had been punished.

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Afghanistan: **The Men Who Would be Drag Queens**

Daniel B. Haber

PESHAWAR, March 28: A young man sporting bangles and mascara-lined eyes makes his way through a warren of back lanes in this, Pakistani town's old quarter, known as Qissa Khawani or bazaar of storytellers. Reaching an old house down a narrow lane, he greets another attractive teenager well-dres-

sed in the traditional baggy 'salwar kameez' in the alley. He rings the bell and several curious heads pop out. The door springs open and Selim climbs the stairs. Taking off his khaki Mao cap, his gathered hair falls to shoulder length. Unlike other males in this macho frontier town not far from the Afghan border, the young men inside are mostly beardless. Facial hair being a sign of masculinity, a boy is not considered a man in conservative Pathan or Afghan society until he is able to grow a beard or at least a moustache.

When the Taleban, the Islamic fundamentalist militia trained in Peshawar took over Kabul, one of the first of a number of draconian decrees, was to ban beardlessness. Barbers were threatened with shortened fingers if they so much as trimmed a whisker. All liquor was summarily confiscated and bulldozed under a tank. Video and audio cassettes were disembowelled. Live music and dance had already been frowned upon during the previous Rabbani regime. Now women's freedoms were also strictly curtailed. Afghan women were told to wear the 'burqa' at all times.

While the professionals and the intelligentsia were amongst the last to leave the beleaguered Afghan capital, among the first to move out were the drag queens known as 'hijras', who work as dancers and entertainers primarily at wedding parties. Like Selim, who hails from Kabul, many of them ended up on the Northwest Frontier of Pakistan working in one of the many houses of ill-repute where such dancers live. Just 19, Selim comes from a well-off Afghan merchant family — that is until his father lost his fortune. Like the other dancers who call each other "sister", he poses and postures before cameras actual and imaginary. Selim's day job is working in a restaurant, and dancing at night as "Kumari", helps to support his family in Kabul, who is arranging his marriage.

In both Afghanistan and Pakistan, mar-

riage is considered a duty, especially if a man is 'bachabaz' or "interested in boys". Many men who enjoy homosexual relations — even hijras or so-called eunuchs (really transvestites) are also obliged to marry due to family pressures of strict social conformity. Says Selim: "If they knew my real work, they'd kill me. They think that I work in a meat shop. Little do they know that the butcher is my boyfriend and I'm interested in other meat".

Despite the intolerance of the fundamentalist Taleban, 'hijras' have long played an important role in the Islamic world. The medieval Mughal emperors employed them to serve the ladies at Delhi's Red Fort. They were preferred to male servants because they did not pose a threat to the chastity of the harem. Nowadays, in what was once the domain of the former Mughal empire — Pakistan, India and Bangladesh — they are seen at wedding parties or loitering in the streets and back alleys in hopes of being picked up.

Hijras are the "Third Sex" — or the men who would be queens of the subcontinent. Some are actually eunuchs, either born hermaphrodites or castrated. Others are simply what in the West would be called drag queens. While there are no bars to speak of, gay or otherwise, in prohibition-dry Pakistan, one of the places used by men to meet and pick up other men, besides the cinemas and public toilets, is the 'hijra' dens or houses of the drag dancers who live a shadowy marginalised existence and are generally seen in a somewhat acceptable light only at weddings where they provide entertainment for the male guests.

Long before dusk descends, the beardless boys scurry around, busily transforming themselves into ladies of the night, working miracles out of a small make-up box, and frocks and wigs. As boyfriends and potential clients gather in the heavy hashish smoke-filled room, the dancers prepare themselves for two

separate weddings parties — one in the tribal territory of the Khyber Agency, the second in Mardan.

Falaknaz, the handsome teenage schoolboy from the Malakand Agency whom Selim met in the alley, sits downstairs cuddling with his twenty-something lover Shafi, the owner of a video shop in Takth-e-Bahi; a town famous for its ancient Buddhist ruins. They wait for the dancers to get ready, and will accompany them to the wedding party. One of the dancers is 13-year-old Javed who during the day is an Islamic student, now transformed into a coquettish young lady with pouting lips. Fayyaz, another Afghan dancer, is starting to get hair on his face, and must bleach his budding moustache — he dare not shave it off.

While the transvestite dancing is generally tolerated as a necessary evil — sometimes payoffs have to be made to the police to keep the house open — homosexuality is generally accepted as a forbidden immoral pleasure which, like drinking alcohol, is done on the sly. When the dancers are all made up, they file out into the bazaar. Heads turn and tongues wag as the flashy "ladies" swish towards the rented vans in Qissa Khwani bazaar waiting to take them off to their respective wedding parties. Once the vans are full, they zoom off into the night towards the dark frontier.

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**Turkey:
Religious Debate Envelopes
Turkey's Schools**

Nicole Pope

Although the Turkish press predicted that the country's top generals and the prime minister, Necmettin Erbakan, would clash at March 31's monthly convening of the National Security Council (NSC), a powerful body domina-

ted by the military, the meeting passed without incident.

Indeed, it did not even discuss enforcing the "recommendations" prepared at an earlier meeting, which were designed to curb the Islamists' increasing political clout. But this is probably no more than the lull before the storm. Erbakan, pressured into approving the list of 18 measures aimed at fighting the "forces of reaction", seems in no hurry whatever to implement them. His foot-dragging has caused strains within the government. Tansu Ciller, leader of the True Path Party, the junior partner in the ruling coalition, has come out clearly in favor of the generals' recommendations, and some True Path members now talk openly of pulling out of the coalition if their directives are not fully implemented.

The debate is currently focused on the length of compulsory schooling, which the NSC wants to raise to an uninterrupted eight years. The present system provides for only five years' compulsory schooling, after which pupils can choose to continue their studies either in intermediate classes and then at high schools, at vocational schools, or at the highly controversial religious schools known as imam hatip.

Down the years such schools have proliferated as a result of public pressure on successive governments. The number of pupils currently studying at the country's 474 imam hatip schools has proliferated as a result of the demand for trained imams. Although the teaching of the Koran and Arabic is restricted to only a few hours a week, the proliferation of imam hatip is beginning to worry the secular authorities.

"The NSC's decision is a historic opportunity", say Sekai Baloglu, former president of the Higher National Education Council. "The aim of eight years' schooling is to standardise education and thus prevent the formation of two streams

after primary school, one secular, and the other religious".

Adjustments to the education system are recognized as necessary, but they pose major logistical problems. A law providing for eight years' compulsory schooling was passed in 1973, but it lacked the political will to put it into effect. The contents of the official syllabus are also questioned by many intellectuals, who dislike the spirit of fervent nationalism that colors the teaching of certain subjects, particularly history, geography and "national security". The introduction of a new system will not be easy. Schools will somehow have to find room and resources to accommodate three extra years of teaching. Believers in secular education hold the Islamist Welfare Party solely responsible for these developments. Yet the divisions built into the education system and the proliferation of imam hatip took place well before the Welfare Party came to power. Most such schools were opened by conservative prime ministers, from Adnan Menderes in the fifties to Suleyman Demirel, now the president, and Ciller herself. A certain degree of responsibility must also be laid at the door of the military, who reintroduced compulsory religious education in primary schools after the 1980 coup, in the hope of depoliticising a population sharply divided by violent clashes between leftwing and rightwing factions in the seventies. The case for a serious review of the education system now appears strong. Unfortunately, the current debate on the issue has degenerated into familiar old squabbles along ideological lines.

Source: Guardian Weekly, April 13, 1997, p. 13. Reprinted from Le Monde.

**Turkey:
With Possibly Fateful Results,
Turkey debates Islamic Schools**

Stephen Kinzer

Istanbul, Turkey, 18 May 1997: When Turkey's National Security Council met in February, military commanders who were demanding that Prime Minister Necmettin Erbakan retreat from his Islamist policies showed a startling video that police agents had secretly recorded.

Witnesses say the video showed students at a private Koran school lining up to file past and spit on a bust of Mustafa Kemal Ataturk, the revered leader who transformed Turkey from an Islamic state into a secular one three-quarters of a century ago. "I swear by Allah" the students then vowed in unison, "to strive to create a state based on religion and Islamic law in Turkey and to devote myself to the war against Mustafa Kemal atheism".

The country's top military officers consider themselves the ultimate guardians of Turkish secularism, and so after they showed the video and presented other evidence, they demanded a crackdown on all aspects of Islamic education here. Mr Erbakan agreed, but he has proved highly reluctant to keep the commitment.

The issue of religious education is now at the center of the conflict between secularists and Islamists that is shaking Turkey. It has led to an emotional debate that could determine the fate of Mr. Erbakan's Government, shape future election results and even tip the balance for or against a military coup.

No one knows how many unlicensed Koran courses exist, but at least some are evidently being used as training grounds for militants who hope to impose an Islamic-based political order here. Military commanders find that intolerable and want all the courses shut immediately.

The hundreds of religious academies that function legally pose a more complex challenge. They offer religious teaching and a full curriculum similar to

that of other schools. The military has decided that they are shaping fundamentalists and insists that the Government close or restrict them. Parents and alumni, backed by Islamist groups, are angrily resisting this demand, and last Sunday they drew a crowd of more than 100 000 people to a protest in Istanbul. Smaller crowds marched this weekend in support of a secular republic. Two months after the meeting at which the video was shown, military commanders again confronted Mr. Erbakan and warned him that they would tolerate no further delay in the crackdown. In response, Mr. Erbakan sent the police to shut several dozen unlicensed Koran[ic] schools, but commanders are far from satisfied.

They have found support from leaders of the secular True Path Party, which is Mr Erbakan's coalition partner. Interior Minister Meral Aksener, who is from True Path, said recently that the unlicensed Koran schools closed so far represented only 2 percent of those that exist. She vowed to close the rest.

According to Turkish law, all courses in the Koran, the Muslim holy book, must be registered with the Government, which approves instructors, courses of study and textbooks. But scores or hundreds of Koran courses are believed to be operating without Government approval, and with the new crackdown many are dropping out of sight. At an Istanbul dormitory for public school students, a religious teacher emerged to greet visitors, one day recently, pointedly refusing to shake the hand of a woman in the group. Asked if he was running an unlicensed Koran school, as neighbours believe, he replied, "This is only a dormitory, but we teach the Koran to anyone who asks".

Besides the Koran courses, military commanders and secularist civilians have focused their displeasure on religious grammar schools and high schools. Those academies first appeared decades ago to train imams, who lead Muslim

prayers, and other Islamic scholars. But their numbers have grown to more than 600, and the military says they now produce 10 times more graduates each year than there are places for imams and religious teachers. A report issued by the Turkish general staff this spring asserts that religious academies are producing graduates with "highly Islamized values," and that the graduates "are being oriented to enroll especially in political-science faculties, law schools and police academies"...

Excerpt from The New York Times, 19 May, 1997

Algeria: Debate over marriage splits Algerians

Jean-Pierre Tuquoi

March 7 1997: Algerian society is divided over the issue of marital law. El Irscha Oual Islah (Religious Orientation and Reform), an association close to "moderate" Islamist elements in the Hamas movement, last week announced that it intended to collect 3 million signatures "to promote the marriage code". The association intends to counter a move made a few days ago by 13 non-religious feminist associations which, in a campaign to improve married women's rights, took several full-page ads in the press calling for the abolition of "the most discriminatory articles of the marriage law". They hope to get 1 million signatures in support of their campaign.

The current marriage law, which has been in force since 1984, is largely based on Koranic sharia law. It allows a man to marry more than one wife (though no more than four); and it confers a key role on the future wife's "matrimonial tutor", who is "either her father or one of her close relatives". Article 39 stipulates that "the wife is bound to obey her husband and grant him respect in his capacity as head of the family".

Article 48 states that divorce "takes place at the wishes of the husband". The wife can request it only if her husband has been absent for more than a year "without a valid excuse" or refuses "to share his wife's bed for four months".

The feminist associations that launched the debate at the end of February, a few weeks before the opening of the general election campaign, have called for the abolition of some articles and changes in others. Last week MRI-Ennahda (Movement for Islamic Renewal), a small Islamist party close to the regime, opposed the feminists' amendments on the grounds that they were "in contradiction with the precepts of religion and the legacy of the Algerian nation's civilisation and culture". That the El Irscha Oual Islah association should have got involved in the debate is particularly significant. An off-shot of Hamas - whose candidate in the 1995 presidential election got a quarter of the vote - the association controls by far the most powerful women's organisation in Algeria. On top of that, it has influential allies and intends to use them. To collect its 3 million signatures, it has said it will call on the help of the Islamist associations which, on December 21, 1989, staged the biggest women's demonstration yet to be organised in Algeria...

Excerpted from: Guardian Weekly, 23 March, 1997, p. 17. Reprinted from: Le Monde

***Chechnia:* Chechens eager to submit to Islamic law**

Sophie Shihab, from Grozny

10 September 1997: The Chechen separatist leaders' much publicised plan to adopt an Islamic penal code squares perfectly with an often overlooked characteristic of Chechnia's history: the doctrines of Sufism (a mystical Islamic order) have always informed attitudes

and social relationships in this part of the Caucasus. They have underpinned the continuous struggle the Chechens have waged for two centuries against Russian, then Soviet, domination.

On September 6, the fifth anniversary of Chechen independence (proclaimed after the collapse of the Soviet Union), Chechen television broadcast the public flogging of the republic's first Mufti, who was appointed in 1991 by the late Chechen leader, Dzhokhar Dudayev. Shortly after the beginning of the war in Chechnia, the Mufti fled to Moscow and called on his compatriots to submit to the Russians. The young military commander of Grozny explained that this act of "supreme treason" by a man who should have given moral guidance to a country at war deserved the death penalty, but that since the authorities had chosen independence day to announce an amnesty for all Chechens who had fought on the Russian side the Mufti would get 80 strokes of the cane instead. The holy man lay on a table and took his punishment, which was far from brutal, in front of television cameras. Once his ordeal was over, he got to his feet, adjusted his dress and explained that he had always "remained with his people in spirit" and intended to continue to do so.

In a village not far from Grozny, a family watched the event on television. The eldest son, who had been to university in Moscow, criticised the separatist leaders, whom he otherwise supported, for tolerating a "return to the Middle Ages". But his sisters pointed out that most villagers, even before the war, had wanted Islamic law to be introduced.

For Chechens, it is simply an official recognition of customs they have always respected, even under the communist regime and during their deportation to Central Asia at the end of the second world war. Alongside the Soviet judicial system, which was perceived as being fundamentally unfair to the Chechens, an unofficial *cadi* (civil judge) laid down

the law in each village on the basis of sharia (religious law), adat (customary law) and tariqa (Sufi doctrine). The *cadi*, unlike their Soviet counterparts, were unanimously respected, and it was only natural for Chechens fighters to turn to them for help in 1995 after six months of war. At that time the Chechens' experience of Russian "justice" boiled down to being bombed, flung into hell camps, or summarily executed by federal forces. But it is the system of Sufi brotherhoods, to which everyone belongs, implicitly at least, through the influence of families and clans, that cements Chechen society. The brotherhoods, which went underground during the resistance against communism, began to reemerge from 1991 on.

Zikr sessions, where members of a brotherhood rhythmically chant the name of Allah and his qualities, have become a regular feature of any television report from Chechenia. But some brotherhoods see this form of publicity as an unattractive development, and were particularly irritated that women took to the streets chanting praises of Allah during demonstrations to demand a Russian pullout. "It all started here", says an inhabitant of the village of Avturi. "A group of women went round all the other villages by bus with the aim of setting up a women's Islamic movement. They were allowed to do that because it answered a need at the time - the menfolk no longer dared to demonstrate in Grozny after the army had begun firing at them again last winter".

As has already happened in other Muslim countries, the Chechens' latest war of independence has helped the emancipation of women, even if they end up having to conform to Islamist rules on dress and having to tolerate the attitudes that go hand in hand with those rules. However, to judge from the number of women who joined in the mourning and celebrations of independence day, they seem in no mood to

give up the degree of emancipation they already enjoy - within a strict code of public conduct - which is characteristic of the Caucasus mountains region.

Amina, whose smiling face and green eyes are all that is visible beneath her Islamic dress, sang so powerfully that she attracted some 50 women to join her in a zikr in a cemetery. But when a group of young fighters arrived, the singing turned into an animated and exuberant discussion. Was she in favour of sharia being introduced? "Of course, better late than never", she exclaimed. But Zarima was of a different opinion. She felt depressed when she got home after the independence celebrations because she had heard her hero, the military leader Shamil Bassayev, say: "An Islamic republic is my life". Zarima knows Bassayev well because she often helped him in her capacity as a telecommunications expert. But she had no inkling of his new-found Islamic beliefs. A colleague, who had also been active in the separatist struggle, tried to console her: "They'll never manage to put the Chechens in an Islamic straitjacket - we're too rebellious for that".

He was, perhaps, bring over-optimistic, like those who believe that the war is well and truly over. But, for now at least, their view does seem to be shared by most Chechens.

Source: Guardian Weekly, 22 September, 1996, p. 19. Reprinted from: Le Monde

Chechenia:
Chechens get Islamic justice

David Hearst, Moscow

An Islamic sharia court conducted its first public execution of a convicted murderer in Chechenia last week, a stark illustration that the justice systems in the breakaway republic is now wholly independent of Russia's.

The condemned, identified only as "Ibrahim", from the settlement of Bachi-Yurt, had his throat slit by a group of hooded men. His death was shown throughout the republic on state-run television. The youth was found guilty of murdering a man, his wife and his 16-year-old son with an axe. The authorities said he butchered the entire family while under the influence of drugs and alcohol.

Although the sharia court has in the past handed out ritual beatings to petty offenders, this is believed to be the first time that an Islamic court has passed the death sentence on a native Chechen; although videos have been on sale in Grozny of a Russian soldier accused of atrocities having his throat slit during the recent war. Sharip Yusupov, Chechenia's representative in Moscow, said Ibrahim was "a real brute who got everything he deserved". He said the execution was televised in order to demonstrate the "inevitability of punishment" and to satisfy the demands of the Chechen tradition of the blood feud. Mr Yusupov said that relatives of the victims were among the hooded executioners, and that the accused's family had turned him in to keep the family honour intact. If the court had not intervened, under the tradition of the blood feud the relatives of the victims would have been dutybound to kill relatives of the offender.

Source: Guardian Weekly , 4 May, 1997, p. 7.

Indonesia:
Men Wearing Earrings "Haram"

PALU, Central Sulawesi (Central Celebes): The Central Sulawesi chapter of the Indonesian Ulemas Council has issued a new ruling that, according to Islamic teaching, a man is prohibited from wearing earrings. The secretary of the provincial council, Dahlan Tangkaderi, said wearing earrings was feminine and that was condemned by Allah, Antara reported yesterday.

The reason behind the issuance of the ruling was hadith (the deeds and sayings of the Prophet Muhammad), which says : "Allah condemns men who act and garb like women, and women who act and garb like men", Dahlan said. Quoting the provincial council chairman, Dahlan said the council was concerned with the trend that many schoolboys and men were acting and dressing like girls or women. Dahlan said no government officials had acted to ban the trend and many parents had also failed to stop boys wearing earrings. "Therefore we feel it necessary to be tough. The central board of the Ulemas Council has yet to act on this", he said.

Many rock stars, artists and sportsmen, including former Argentinian soccer star Diego Armando Maradona are known for being individual and wearing earrings. This has apparently caused "earrings fever" among males.

Source: Jakarta Post , 6 May, 1997

Somalia:
Violence Rules in Divided Mogadishu

John Simpson

Mogadishu must be the most divided city on earth. Several distinct factions confront each other across great swaths of wrecked buildings and empty streets.

There is not just one front line, there are two. In the city centre lies an area known jokingly to the Somalis as the Bermuda Triangle. If you venture in, you are unlikely to emerge alive. There is a clear dividing line between southern Mogadishu, held by the faction of the late General Mohammed Farah Aideed, and Ali Mahdi Mohammed's northern Mogadishu. Even when there is little fighting, the line is nerve-racking to cross. In the silence of no man's land, the buildings are appallingly smashed...

Southern Mogadishu is controlled by the militias loyal to Hussein Aideed, the US-educated son of the late general who died of wounds last month. His gunmen are reasonably well-disciplined, but they can do what they like here. As a result the streets are quiet and tense, and the shopkeepers operate nervously. At night the area is completely dark. As you cross no man's land, you pass from an area where the gun is the only law to one in which the most savage punishments are restoring a kind of order. The streets of northern Mogadishu bustle with economic life, and you rarely see a gun. There are even a few policemen around, directing the traffic and ticking off small boys. At night, the streets are properly lit.

This part of the city is run by an uneasy alliance between the pragmatic Mr. Ali Mahdi and the leading Islamic cleric in Somalia, Sheikh Alidheri. Two years ago, the sheikh forced through the introduction of sharia courts to try offenders according to Islamic law and subject them to its punishments.... The theft of goods worth more than about \$2 means the loss of the right hand. If a gun is used in the crime, the left foot is cut off as well. As we made our way to Sheikh Alidheri's court, we came across a severed hand and foot lying abandoned in the dust. Someone had just suffered the penalty for armed robbery.

Later we obtained a tape, filmed with a small video camera, of a man having his hand and foot cut off at the sheikh's

court. It is done fast but casually, and there is no anaesthetic. When we examined the pictures in a BBC cutting room in London, they were so revolting that the picture editor had to leave the room.

Realising how Westerners would react to sharia punishments, the sheikh made sure we were unable to watch a serious case. Instead, our cameraman was allowed to film a woman being tried for the theft of a dress. The trial was fair and properly conducted, in a smallish, oppressively hot, upstairs room. After the owner of the dress had given evidence, Sheikh Alidheri turned to the accused:

"Do you agree that what she says is correct?"

"Yes, and I want forgiveness", she answered.

That was impossible, but mindful of the camera the sheikh chose to be lenient. He found that the owner of the dress had not taken proper care of her property and he sentenced the accused woman to 48 lashes...

Source: Excerpted from the Guardian Weekly, September 22, 1996, p. 7.

Bangladesh: Rising Wave of Violence Against Women

Tabibul Islam

DHAKA: There is an alarming spurt in crimes against women in Bangladesh, particularly rape and acid attacks — even though in both cases the law is very tough with offenders. Two school-girls, Sonia and Sathi, were savagely attacked with acid in two separate incidents in the capital recently. In both cases, the attackers were men from their neighbourhood who were angry the girls had spurned their advances. A perturbed Prime Minister Sheikh Hasina Wajed has ordered her home minister

to look into the incidents and promised that the government would speed up the process of justice to deter offenders.

Because of pressure from the government, the Dhaka police which was treating the acid attack on Sonia like a routine case announced a reward of 750 dollars for the arrest of the prime suspect Chand Mia. The young man who had gone into hiding, was turned over to the police by his father, who insisted he was not influenced by the offer of the reward. Chand Mia is alleged to have stolen into Sonia's house in old Dhaka city at night and thrown acid on the sleeping girl's face. Though she survived the attack, the young girl who is admitted in Dhaka Medical College has been badly disfigured.

Hospital authorities have been told by Prime Minister Hasina to ensure that the teenager, whose family is poor, receives the best treatment. A special medical board has been constituted to monitor her treatment, which will also include extensive surgical re-modelling. The assaults, regrettably, are not stray incidents. Says Dr Samanta Lal Sen, plastic surgeon and consultant, "One or two girls with acid burn injuries are admitted to Dhaka Medical College every week".

Last week, the teenager who attacked school girl Sathi surrendered to the police because he realised they were closing in on him, the police said. Quddus who used to harass Sathi, a student of class five, daily as she walked to and back from school, threw acid on her one night on a dark street and escaped. This heinous crime has resurfaced in Bangladesh after 15 years. The problem was nationwide and rampant in the early 1980s till the government at the time passed harsh laws including the provision of capital punishment for acid throwers. At least half a dozen criminals charged with assaulting women were sent to the gallows.

Police records show that women belonging to poor families are mostly victims

of rape, acid assaults, and tricked into prostitution — even as those responsible walk free. The perpetrators are so powerful and influential that the victims cannot fight them either legally or socially. The story of the daughter of a landless farmer in Chaain village in Saver district is a glaring example of social injustice. The girl was raped last month by the son of the village chief and his two friends. In the 'salish' or traditional village court, the rapists were fined the equivalent of 375 dollars. But they paid the family only 75 dollars and threatened to kill the peasant family if they did not leave the village in 24 hours.

For every incident that is reported to the police, many more go unreported. Most families shy away from publicising cases of sexual assault. Only some 450 rape cases were recorded in police stations countrywide between January and September last year. Seventeen girls between five and ten years were among the victims. Time and again, it is the women and the poor who are targets. They are the victims in family feuds and disputes over land and property. And here too acid is a favourite weapon. Last year, Farhana Huq Ranu, a student from a village in Kishorgonj district some 180 km north of Dhaka, was left scarred for life by a neighbour who was embroiled in a wrangle over land with her father.

The crime graph of violence against women shows an alarming spiral. Bangladesh is a patriarchal society even though its two most powerful politicians are women — Prime Minister Hasina and opposition leader Khaleda Zia who was premier from 1991 to 1996. Women are harassed and abandoned by husbands, who can legally take a second wife. There is an escalation in divorce cases and disputes over dowry. In Dhaka city alone, four cases relating to dowry are listed every day in the Dhaka chief metropolitan magistrate's court. Some cases of harassment of women have tra-

gic endings. Take the well-publicised case of Shahina Akhter, a young housewife from Sirajnagar Village in Narsangdi district, about 35 north-east of Dhaka. Her husband almost got away with the claim that she had committed suicide when her body mutilated with acid was found in her home. He had killed her because she had delivered a baby girl and refused to let him marry a second time.

Last week, Prime Minister Hasina told Parliament that her government would make laws for the protection of women even more stringent. But social scientists and liberals say passing of laws will not change the situation. Women who are educated and have a sense of self-esteem can fight for their rights, they advise.

Copyright: Inter Press Service (IPS), May 1997

Nigeria: Legal Silence on Wife Battering

Remi Oyo

LAGOS: The heat is on Nigeria's government for the revision of laws which women's rights' activists consider insufficiently stern against wife beating. "Wife battering should not be permissible by the law. If the wave is increasing, there is need for amendment of the statute books", says Jide Adebayo, a civil servant. Adebayo's position is shared by various Non-Governmental Organisations (NGOs) and related associations that have begun canvassing for laws to curb wife beating to ensure full protection for women.

The Constitutional Rights Project (CRP) has recommended the adoption of a "new law criminalising domestic violence" and that more NGOs "provide data on violence against women, particularly domestic violence in order to facilitate lobbying for the enactment of these laws and for litigation".

Violence against women here stems mainly from the widely held perception of male superiority and the belief that men have the right to beat their wives. "Wife beating is tolerated both socially and culturally. It is believed, though erroneously, that an erring wife should be brought back to the right path of life by beating her once in a while," says Ngozi Osarenren, a lecturer at the University of Lagos who has done research on women's issues.

According to the CRP, domestic violence is a "reflection of the power relationship between husband and wife. The husband derives power from being the supposed provider and head of the family. The power includes coercive power which manifests itself in physical and mental subjugation through violence". "Even if he is not able to fulfill his commitments, he still draws power from a society which holds men to be superior to women," reads the CRP's report, 'Unequal Rights' which details discriminatory laws and practices against women in Nigeria. "Wife battering is regarded as a family problem to be settled in the privacy of the home" and is classified under common assault in the nation's criminal code, says the CRP report. "Not until grievous bodily harm is inflicted and, possibly the death of a victim, are the law enforcement agents willing to assist".

In northern Nigerian states, Section 55 of the Penal Code states: "Nothing is an offence which does not amount to the infliction of grievous hurt upon any person and which is done...by a husband for the purpose of correcting his wife; such husband and wife being subject to any custom in which such correction is recognised as lawful". According to the Penal Code, grievous bodily harm includes emasculation, permanent loss of sight, ability to hear or speak, facial disfigurement, or joint, bone fracture or tooth dislocation and other life endangering harm.

Few victims of abuse will seek legal redress as divorce is frowned upon. Cases of spousal abuse are most often reported by neighbours, and the wives who are bold enough to do so are usually referred to the Welfare Department of the Ministry in charge. Statistics provided by CRP indicated that between 1982 and 1988, 1, 220 cases of wife battering were referred to the Family Welfare Department in the mid-west city of Benin, which has a population of less than one million.

While much of society would prefer to keep wife beating in the closet, Osarenren says the effects of physical and sexual abuse on the woman and the family are great. "The woman who suffers this kind of violence will experience permanent emotional disturbance occasioned by the presence of the man". "The woman will have [a] poor self-concept and low self-esteem. Children lose respect for their fathers and at times challenge their fathers. The children may become insecure and the act of violence against their mothers becomes also a stigma," says Osarenren.

Some bodies, such as Women in Nigeria (WIN), are taking a firm stand in defence of battered women. Toro Oladapo, WIN's deputy coordinator told IPS the organisation had taken up the case of a woman who lost four teeth from a beating by her husband. Oladapo said the case of assault brought against the man was being handled in court in conjunction with the international federation of female lawyers. "WIN fights any move that stands in the way of progress," said Oladapo. "We oppose any harmful practice against women and we will continue to fight for our rights as a group. In fact we are trying to set up legal departments in all our branches to handle such cases".

Dupe Ajayi, Editor of the 'Weekend Times' confirmed that more women's organisations are working hard to eradicate harmful practices such as wife battering and genital mutilation. Ajayi

said in an interview with IPS: "The time has come for the reforms of laws concerning the rights of women". "Most of the women who suffer battering are providers for their families, they fend for the children and even the husband. In most cases, these wife batterers are 'never do wells' who come home to vent their frustrations on their wives," she argued.

Copyright : Inter Press Service (IPS)

Israel: **Women's ire against "crimes of honour"**

Yossef Elgozi

Each year, Arab Israeli women are assassinated by their near and dear ones due to their "ill conduct". Since recent times, a group of militant women have been breaking the law of silence by denouncing these archaic practices and the complicity of the Israeli authorities who do not always pursue the murderers.

A few days ago, at Ramleh (about 20 kilometers on the south-east of Tel-Aviv), some Arab women held a demonstration to protest against the murder of Amira Moghrabi, a resident of the city (which houses quite a big Palestinian colony), in an incident concerning "the family's honour". Mrs. Moghrabi, a 36 years old mother of three, was stoned to death at 5 a.m. in early January while on the way to the hospital where she used to work.

The El Badil association (The Alternative), the organizer of the demonstration and an association which brings together organizations and personalities fighting against crimes committed to "defend[ing] the honour of the family", revealed that during the last seven years three women belonging to the Moghrabi family had been assassinated and that yet another had disappeared without a trace. During the last

decade, around ten women from Ramleh had met with a similar fate.

An attitude as much prevalent amongst Muslims as amongst Druze and Christians.

Many women of this city, who were afraid of participating in this demonstration, explained that the main perpetrator of this crime was a repentant delinquent who is now heading a violent outfit which claims to have, for mission, "The Defence of Morality". On the black list that the group had made public, figure the names of the demonstrators as well as those of women who, as per the gang, have "committed the sin of adultery", or have been victims of rape; women who do not live under the family roof, who "cash in on their charms", dress in an "immoral" fashion or refuse to marry the man of their parents' choice.

This type of crime is rarely committed by a sole individual but by many men belonging to the same family, and sometimes even by women. In order to avoid prosecution, the murderers often make their crime look like an accident or a suicide or else get rid of the victim's body after which they spread the word around the victims entourage that they have "cleansed" the family of the shame that had so far sullied it. The militants of the women's organizations uphold that the murderers, their accomplices and all those who justify such crimes wish to ensure, by resorting to such barbarious customs, that women continue to be under the control of men and thus retain an inferior status in society. This attitude is prevalent not only amongst Muslims but also amongst Druze and Christians.

The associations blame certain elements belonging to the Arab society of Israel for giving their assent to such practices or for observing the law of silence. In one of its editorials, the newspaper that they run has criticized the fact that not a single management committee mem-

ber of the Observation of the Arab population (an official organization) "visited Ramleh after this crime, and that none of them had raised their voice in protest and condemnation of this archaic practice". They also question the indulgent manner in which the Israeli police deals with these "crimes of honour" and with those who commit them. They also reiterate that the police, at times, entrusts a "sinner" woman or girl to a sheikh or to a notable in exchange of the promise that her family will do no harm to her but this promise turns out almost always to be false as the women, without any exception, end up being assassinated.

The criticism is also aimed at deals struck between the judiciary and the murderers in order to reduce the penalty to be meted out to the latter as also the fact that many of these criminals are amnestied or freed much before serving their term. The associations question the intentions of the Israeli powers to be and hint that the indulgent attitude resorted to by some would be with the express intention of maintaining the backward nature of the Arab society of Israel and of upholding and reinforcing the power of patriarchal circles which are more interested in safeguarding morality than ensuring civic and national equality. The associations therefore demand that the police and the judiciary act against the accomplices of these crimes with all the severity that is prescribed by the law in such cases.

A growing protest movement breaks the law of silence.

Over the past few years, larger and larger sections of the Arab society of Israel are breaking the law of silence that had hitherto surrounded the issue of "crimes of honour". Even if the murderer happens to be a sole individual, the silence affected by his entourage or by those who are aware of his heinous act renders them accomplices of this crime. An increasing number of men as well as women are now aware of this pheno-

menon and newspapers which had thus far maintained a studied silence on this subject are now conducting detailed inquiries. In a manifesto explaining its positions, the El Badil association holds such practices as being "extremely dangerous", and appeals to similar-minded individuals to fight against and denounce the ideological framework that these are based upon. It condemns any measures which try to legitimize them on religious, moral or social grounds. The militants of the association maintain that the woman, and not her family or the community, is the sole proprietor of her body. Aiming for a large support base, El Badil diffuses information and education and is striving to enlarge its network of active volunteers.

Source: Courrier International. No. 329, 20-26 February 1997. [Reprinted from: HA'ARETZ, Tel-Aviv]

Sudan: **Women Fight to End Age-old Practice**

Nhial Bol

KHARTOUM: Polygamy in Sudan is under fire from women's groups, which have launched a campaign aimed at ending the age-old practice.

The groups are led by the Sudan African Women Society (SAWS), funded by the Catholic Church. Since declaring earlier this month that they intended to mobilise public opinion against polygamy, they have already won at least one victory: obtaining a half-hour slot on radio for their campaign. The programme 'Swat Al Mara' (The woman's voice) is run weekly on 'Unity Radio', a state-owned channel.

"No one needs a lecture to understand why we are against polygamy in the Sudan," said Trasa Jacob, a leading member of SAWS. "Today we have women who have to fend on their own trying to nurture their children. Where

are their husbands?" "We started the programme within our churches two months ago to explain some social problems affecting Christian women and children because of too many mouths created by the practice of polygamy", she added. "Later we contacted our sisters in the (state-sponsored) Sudanese General Women's Union to back up the campaign and we were given half hour on Unity Radio".

Through the radio, their campaign — which thus far has mainly taken the form of debates on polygamy and related issues — is aired countrywide. However, Trasa acknowledged that the women's struggle is a long-term one. Polygamy is widespread, she said, and also deeply entrenched in Sudan's various religious communities — Muslims, followers of traditional African religions and even Christians.

In rural Sudan, a man's status is measured in part by the number of spouses he has. In some cases, first wives themselves encourage their husbands to remarry since having co-wives also enhances the first wife's standing. But for Trasa, the system is undefendable. "Polygamy has multiple ugly faces", she says. "Among its devastating impacts are roaming children, broken families, the high cost of living which forces many husbands to abandon their wives as well as their children. "Campaigning against polygamy is a collective responsibility. It is a process that involves everyone. We must come out openly and frankly debate about its social and economic impact on women and children."

According to social scientist Somaya Khalid El Khair, research shows there is a link between polygamy and living standards. "The studies we did on the gender problems in Sudan showed that polygamy is practiced in poor communities more than rich ones", she told IPS. She said an estimated 87.3 % of married men had at least four wives, 11.3 % had three, 1.3 % had two and only 0.1 % had just one spouse.

Somaya feels there is also a correlation between education levels among women and polygamy. "Poor education plays a tremendous role in men thinking of marrying more than one wife", she said. "A survey conducted in 1990 shows that 26.4 percent of Sudanese women who have no education have co-wives and this percentage, in my view, is higher than the percentages for educated women". She added that between 1990 and 1996, about half a million women were wedded to men who already had two or more wives in mass marriage ceremonies sponsored by President Omar Hassan al Bashir.

Another trend observed by the researcher, this time in a study she did in January on marriages in rural areas, is that many Sudanese women marry very young only to be abandoned by their husbands as they approach middle age.

"The practice of child marriages in this country is higher than any other country in the world", Somaya found. "Most our girls are married between the ages of 11 and 18". "Most of the older women are divorced when they are 35 to 45 years old so that the husband can marry another wife because Islam does not allow more than four wives", she wrote in her report. "Women are changed like clothes in the Sudan".

Excerpted from an Inter Press Service (IPS) report in 1997 (?)

Algeria: **Gay Algerian granted asylum in France**

PARIS, 28 January 1996: A gay Algerian has become the first person to win political asylum in France on the grounds that his life was in danger because of his sexual orientation, a homosexual rights group said on Tuesday.

The Paris-based Gay and Lesbian Centre said the Algerian, identified only as L. Faysal, had won refugee status from the

French authorities last month after being beaten and threatened with death in Algeria. Faysal had been a political activist in Algeria, founding a group to battle the spread of AIDS and a second organisation to promote human rights.

The Algerian police frequently assaulted and arrested him while Moslems chased him and threatened him with death, prompting Faysal to flee Algeria and seek asylum in France, the centre said in a printed statement. France's Office for the Protection of Refugees and Stateless Persons (OFPRA) had never before granted asylum in such a case but agreed to do so after several French AIDS and homosexual organisations supported his request, the group said. ... "The Gay and Lesbian Centre welcomes this decision, but notes that other gays who are also victims of serious persecution... have seen their requests rejected", the group said, vowing to use all available resources to win refugee status for other threatened gays.

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Kuwait: **Professor Sacked for Daring to Speak of Gays**

Kathy Evans

A woman has been dismissed from her professorial chair at Kuwait University for suggesting that homosexuality exists in the Emirate.

Dr. Alia Shoaib, aged 31, claimed that lesbianism was rampant among students and that she had witnessed two women making love in the university toilets. One of them was heavily veiled, a manner of dress normally associated with militant Islam. The professor made the remarks during an informal conversation with a student, who later published them in a local magazine, al-Hadaf, which is now being sued for obscenity.

In the Middle East, homosexuality truly is the love that dare not speak its name. The issue of gay rights has never been raised and most gays are still very much in the closet. Many live in fear of being discovered, for in a number of states, such as Iran and Saudi Arabia, homosexual acts between consenting adults is considered a capital offense. Since her comments, Dr. Shoaib has faced investigation by the university authorities and hints, she claims, of her citizenship being withdrawn.

Dr. Faiza Khorafi, the female president of Kuwait University, who was responsible for her dismissal, claims that homosexuality does not exist in Kuwait. "Ours is a Muslim society and homosexuality is against Islam", she says.

Dr. Shoaib maintains that the segregation of men and women in Muslim societies has generated a repressive sexual climate. "Sexuality is locked up and is, therefore, being expressed in unorthodox forms", she said in an interview. "The gay lifestyle in the West is much more healthy. Western gays are honest about their sexuality".

Dr. Shoaib read philosophy at Birmingham University. In Gulf terms she could be classified as the region's first radical feminist, arguing for such feminist ideals as a woman having control of her own body and the right to pursue her sexual identity and choose her husband. Her controversial views have divided the establishment. The under-secretary of the education ministry, Dr. Rasha Sabah, describes as "a dinosaur mentality" the belief that homosexuality does not exist in Kuwait. Dr. Shoaib's dismissal has yet to be confirmed by the education minister.

One leading liberal member of parliament, Abdullah Nibbari, comments: "Homosexuality is not only prevalent in our society, it is part of our culture. Men used to go to sea for long periods, and homosexuality among men is not abhorrent, particularly for those who play the

role of men."

In contrast, the information minister, Sheikh Saoud al-Nasser al-Sabah, says the professor's comments have "defamed the university and its students". "We know there are gays in Kuwait, but we are not San Francisco. They are hidden and should remain so," the sheikh says.

University professors say the case has implications for the freedom of speech of both teachers and students at the university. One female professor was forced to submit to an investigation recently after being accused by an Islamic militant student of teaching the theories of Darwin.

Source: Guardian Weekly, 6 April, 1997, p. 5

Republic of Congo (Former Zaire): Serb Mercenaries in Zaire

Several months after having put their lethal mark on the conflict in the former Yugoslavia, Serbs soldiers have sprung back, this time as mercenaries, alongside the Zairian military and Interahamwe militiamen. Articles in English and American papers underline the presence of these mercenaries called by Mobutu to help its shaken army. An Amnesty International report of February 1997 stated that some 280 white mercenaries were fighting in Kinsangani. This commando was comprised of Serbs, Croats, Poles, Chechen, Belgians, Italians and French. According to Michael Sells, of the Coalition for International Justice, "the fact that a relatively large number of Serbian fighter veterans of the genocide in Bosnia are now fighting with the Interahamwe genocide organizers from Rwanda is proof of the way genocide in one place helps feed genocide in another place." He suspects that the failure of the international community and NATO to stop the genocide in Bosnia in 1992-93 was a factor in leading the Hutu extremists to think they could get

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away with genocide in central Africa. It seems Yugoslav army officers are at the centre of this operation. Several sources pointed to former commander Milorad Palemis, as a senior recruiting officer. He was in charge of a commando that allegedly killed several hundred Muslim prisoners in June 1995 in Srebrenica.

Source: Coalition for International Justice.
[Reprinted in Impunity Info]

Organisations and Projects

Turkey:

The Turkish Jurist Women's Association

The Turkish Jurist Women's Association was founded in 1968 in Istanbul and currently has 220 members consisting of lawyers, judges, notaries, professors and politicians. The aims of the Association are to build up ties of friendship and cooperation among women lawyers and to examine contemporary law problems, especially the problems of women, children and the family. Its aim is to support the development of studies in this field. To reach these aims, the Association organizes conferences, public talks and other meetings and studies. Its members also take part in national and international meetings on juridical subjects. The Association provides scholarship assistance and awards to successful female students attending The Law School of Istanbul University. The Association is a member of the International Jurist Women's Federation. Every year some of its members participate in the Congress and present papers on subjects considered at the Convention, such as "the rights of women to property inside and outside marriage" and "inheritance law as it affects women".

Members of the Board of the Association are Nazan Moroglu (President), Ayla Babila (Vice-President), Nazan Türe, Serdar Erol, Aytaç Karacan, Tangül Durakbasa and Belkis Baysal.

The Turkish Jurist Women's Association

Civan Sokak Emek Ap. 6/2, Kurtulus-Istanbul,
Turkey

Israel:

Arab Feminist Movement in Support of Victims of Sexual Abuse (ASSI-WAR)

We have been active in fighting sexual violence against women since 1988, working within the Haifa Rape Crisis Center. We decided to establish an independent Arab Women's Organization for the following reasons:

1. The need to preserve ourselves as an integral part of the Palestinian people in Israel who have their own bodies and institutions which fulfill the needs of the population according to their specific needs.

As an independent Arab center we can initiate new programs and operate within the Arab sector without having to copy those of non-Arab sectors.

As an independent body, Arab institutions and bodies will be able to recognise us as an Arab organization in order to involve us in the various programs permitting us to attain our specific goal - something which, until now, was not always possible because we were a joint Jewish-Arab center.

2. As an independent Arab group we can emphasize the fact that sexual violence against women also exists in Arab society, and is a serious problem which must be fought. As a joint member of the Jewish-Arab center, the impression is created that the problem is one of the Israeli-Jewish society and that it is marginal within Arab society.

3. We need absolute independence in order to arrive at decisions and carry out our work. As Arab women we are qualified to define the needs of Arab society and to act accordingly without having to explain or justify our activities.

4. Jewish-Arab co-operation demands time and energy from us in order to cope with real conflicts which can not be ignored within the political life in Israel. We do not underestimate the importance of collaboration, but we see it as a means and not the final goal. Therefore, it is important for us to focus our energy and our resources in assisting the victims, and in fighting the problem of violence against women.

5. We see independence as a legitimate stage of development for a group with 9 years of experience in the field.

ASSIWAR

P.O. Box 44803
Haifa, Israel

**South Africa:
The Women and Human Rights Documentation Centre**

Sandy Liebenberg, Karrisha Pillay and Farahnaaz Safodien

The Women and Human Rights Documentation Centre is a specialised reference library and information centre based at the Community Law Centre, University of the Western Cape. It focuses on a variety of areas related to human rights and gender equality at national, regional and international levels. The Documentation Centre is a complementary component of the Women and Human Rights Project of the Community Law Centre which was initiated in 1992. The Project played a significant role in advancing women's rights through research, advocacy, education and legal advice during South Africa's transition to democracy. The Project continues to promote the adoption of laws and policies that will advance substantive gender equality in South Africa. The apartheid legacy of social and economic disadvantage is a major structural cause of the unequal status of the majority of women in South African society. A key focus of the project is redressing these disadvantages through the effective implementation of the human rights recognised in the South African Constitution and in international human rights instruments.

The Centre houses a substantial collection of material including books, journals, UN materials, CEDAW reports, comparative case law and legislation, research reports, conference papers and newsletters. The subject-matter covers a broad spectrum relating to women's human rights such as violence against women, reproductive rights and health, the right to development, civil and political rights as well as economic, social and cultural rights. One of the primary objectives of the Centre is to be accessible to a broad community of users involved in advocacy and research on women's rights in South Africa. To this end the Centre is open to all groups on and off campus as a reference library. The Centre has photocopying facilities and users will be assisted in their searches by our documentalist, Ms. Farahnaaz Safodien. Regular acquisitions lists and subject bibliographies will also be prepared and disseminated. This newsletter represents the first in a regular series aimed at stimulating awareness and debate on topical issues related to human rights and gender equality.

The Centre places a high priority on building links with similar Centres both nationally and internationally. We are particularly interested in establishing ties with similar institutions on the African Continent with a view to sharing information, materials and skills, and strengthening co-operative efforts to promote women's rights.

Interested groups and individuals are invited to visit the Centre and to explore the relevance of its materials for their work. Suggestions for the improvement of our collection and facilities are also welcomed. It is hoped that optimal use of this resource will be made in efforts to achieve real and meaningful equality for women in South Africa.

Women and Human Rights Documentation Centre

(Physical address)
2nd Floor, Room 203, Legal Aid Building,
University of the Western Cape,
Belville, South Africa

(Postal Address):
Community Law Centre
University of the Western Cape, Private Bag X17,
Belville, 7535, South Africa

Source: Women and Community Rights Documentation Centre Newsletter
Quarterly publication of Women and Human Rights Project, CLC, UWC
April 1997, Vol. 1, No. 1

Kenya: Kenya Anti-Rape Organization

The plight of the poor and a personal conviction prompted the founding of the Kenya Anti-Rape Organization in 1990 by Fatma-Abeyd. It was formally launched in 1991 and registered under the NGO (co-ordination) Act in 1992 to address and strengthen public awareness of sexual violence and exploitation issues in Kenya.

The Kenya Anti-Rape Organization has bravely publicized the prevalence of sexual violence, the barriers to redress for the affected and the attitudes and practices that encourage these acts of aggression. The organization has made a remarkable input in rape tragedies in Kenya, notably being St. Kizito Secondary School (72 girls raped and 19 died), Hawinga Secondary School (15 girls raped), Kisumu (1 girl killed), Kiambu (5 girls killed) and hundreds of others continually raped and killed.

What is rape? Rape is torture. It is a behavior that has existed throughout human history which has been used to lower the dignity of the victim. It occurs in all parts of the world and involves both sex, all races of different ages and people from all background. Sex in our culture is often used by both men and women to exert power or control over each other by offering it, withholding it, or even having it. However, rape is taking of sex without consent, the violation of one person by another. Rather than an act of sexual gratification, rape is an angry and violent expression of the rapist's desire to dominate someone else. Sex therefore becomes a weapon. Unfortunately, many people including those in decision making positions in this country, still do not understand that rape is a crime of violence, the expression of anger, not crime of passion motivated by sexual desire.

Consequence of rape Once a rape has ended and the woman has survived, an intensely personal second struggle begins for her: to recover, to take back control of her body and her life, and even to forge a stronger identity as a result of what has happened. This is a time for her to evaluate her vulnerability and weaknesses, to set new goals that maximize her strengths, and to develop strategies that utilize her abilities to attain these goals.

There is a great need for information to help survivors resolve the initial fears and anxieties that most survivors experience, and to help them avoid the development of many of the long-term problems associated with rape. Survivors must learn to identify their inner strengths and resources and to mobilize themselves to guide their own

lives and more fully recognize their potential. They do not need to remain victims, immobilized by the trauma, resigned to a life of quiet desperation. They must decide if they want to get professional help in working through the often painful stages of emotional and physical recovery. If you've been raped, you're not alone, and you don't need to suffer alone.

Involvement of family in case of rape Only recently has any thought been given to the impact on the family and friends of the survivor. These people often also experience a significant emotional response to the assault. They too must often deal with feelings of vulnerability, fear and guilt for somehow not having protected the survivor or prevented the rape. They are, however, much more likely to deal with these traumatic and difficult events in isolation, not knowing that these feelings are shared by others and are a normal response to the situation and not knowing where to turn for help in understanding and dealing with their feelings, or being reticent to do so. These people - lovers, husbands, parents, siblings, children, friends, co-workers, room mates are the "Significant others". Their responses to the survivor are crucial to how she copes with negative feelings resulting from the rape and the length of time it takes her to recover. If you know someone who has been raped, you can help pull her through, and you can learn to understand better your own response to rape.

Community reaction to rape It was not long ago that we did not recognize rape as a real problem. There were no crisis centers or other services for survivors. Having intercourse with a woman, whether she wanted to or not, was seen as a man's right, particularly if he was married to the woman. Today we are becoming conscious of the fact that a woman has the right to give her body when she decides. We are, therefore, in a better position to help rape survivors resolve the problems that result from rape.

Activities

- Spearheading a campaign against gender violence and discrimination.
- Public awareness creation and sensitization through seminars, workshops and speakouts.
- Information dissemination through electronic and print media viz; video shows on rape, gender violence and discrimination, booklets, pamphlets.
- Counselling and rehabilitation of survivors of rape.
- Collaboration with police in handling of rape cases.

Kenya Anti-Rape Organization

Kibera Drive, Chief Suleiman Road,
P.O. Box 52484, Nairobi, Kenya

India:

Anveshi - Women's Resource Centre

Heterogenous in character, varied in origin, the Indian women's movement has carved for itself a political identity in the process of struggle, its campaigns raising new understandings of the nature of oppression and subordination and leading to new initiatives in confronting existing power systems.

Anveshi consists of a group of women from different institutions and disciplines who share a background of activism in the women's movement, and seek to extend that commitment into feminist research. Anveshi was registered in January 1985 and hopes to provide a support structure and an atmosphere conducive to a creative

interaction between scholarship and activism.

The aims

- To promote research into the conditions and status of women
- To examine the gender bias in education and produce alternate syllabi and teaching/learning materials.
- To provide a critique of existing disciplinary priorities and methodological strategies in so far as they exclude or marginalize women's issues
- To recover women's history, literature and art
- To initiate programmes to disseminate ideas and information related to the women's question both at the scholarly and the popular levels
- To develop feminist theory in an Indian context
- To influence public policy and measures

Activities

Anveshi organises seminars, conferences, symposia, workshops and lectures on women's issues. We have a modest collection of books, a rare collection of archival material in Telugu, Urdu, Bengali, Marathi, Tamil and English. We plan to develop a specialised library and archive for women's studies which we expect will eventually grow into a resource centre for women's research in South India.

Work completed

- An anthology of women's writings in India, 1830 to contemporary times
- Two studies in the area of health
- The National Commission on Self Employed Women, appointed by the Ministry of Human Resources Development, Government of India, invited a member of Anveshi to be on the Task Force on Health and sponsored two studies
- 'Women and the Health Care System in Zaheerabad: towards a new paradigm of health'
- 'Back Pain in Women: possible relationship to prolonged calcium deficiency and bone thinning'

Anveshi

Osmania University Campus,
Hyderabad - 500 007 (A. P.) India.

France:

Kelma: a Gay and Lesbian Maghrebian Association

Having noted that no structure existed through which gay Maghrebians could meet, Kelma was founded on 6 September 1996. Today, it is the only Maghrebian gay and lesbian association in France. The objective of the organization is to gather Franco-Maghrebian homosexuals around convivial and cultural activities. It is also open to all whom the Maghreb does not leave indifferent. Our leitmotif is to consolidate our French, Maghrebian, and homosexual identity. Having no guide among our elders in the immigration, we set out equipped with only our own respective experiences, that of a generation which wants to affirm itself and is unafraid of breaking taboos. To be a minority within a minority is not the best point of departure for a homosexual Magrebian (male or female) on the road to recognition. Moonlighting two minorities can even be a cumbersome burden for some. For us, this represents a strength. A great richness. Our vow at Kelma is to realize what our gay brothers and sisters can

make of these elements in the construction of their personality. In this spirit, we participate in the prevention of AIDS. To protect oneself, one must have an internal strength. The use of a condom implies having sufficient self-respect, without which all the messages regarding prevention remain dead letters. People in an identity crisis are people in danger. All of Kelma's work therefore evolves around questions of culture and identity. We also wish with all our might to bring the word to the home countries of Algeria, Morocco, and Tunisia, so that homosexuals on the other side of the Mediterranean may find a relay, an ear, an exchange. Contrary to the ideas of those who view these countries through the prism of their own libidos, it is not easy, if not impossible, to affirm one's homosexuality in the Maghreb. The article published last June in *Le Monde* by a homosexual Algerian at the time of gay pride perfectly illustrates this reality. To be used as a sexual object in a frustrated society is in no way a means of self-recognition. To exist, one must express oneself. To be accepted, one must love oneself. This apprenticeship of love is realized through words. And in Arabic, Kelma means speech.

KELMA: a Gay and Lesbian Maghrebian Association

c/o C.G.L., B.P. 3 rue Keller
75011 Paris, France.

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Shirkat Gah: Women's Resource Centre

208 Scotch Corner, Upper Mall Lahore-Pakistan

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May 1995, 362 pages
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Avebury

Gower House, Croft Road,
Aldershot, Hampshire, GU11 3 HR, U.K.

**Doria Shafik, Egyptian Feminist:
A Woman Apart**

Cynthia Nelson

1996, 345 pages

University of Florida Press

15 NW 15th St.
Gainesville, FL 32611, Florida, U.S.A.

**Ethnic Conflict and Development:
The Case of Fiji**

Ralph R. Premdas

In association with UNRISD

This book describes the political, social, psychological, and economic impact of communal conflict in multi-ethnic states as illustrated by the case of Fiji.

Research in Ethnic Relations Series

October 1995, 211 pp
ISBN 1 85628 979 6

Avebury

Gower House, Croft Road,
Aldershot, Hampshire, GU11 3 HR, U.K.

**Beset by Contradictions:
Islamisation, Legal Reform and Human
Rights in Sudan**

Lawyers Committee for Human Rights

1996

Lawyers Committee for Human Rights

New York Headquarters, 333 Seventh Avenue,
13th Floor, New York, NY 10001, U.S.A.

**Locating the Self:
Perspective on Women and Multiple
Identities**

**Editors: Nighat Said Khan, Rubina Saigol
and Afiya Shehribano Zia**

1994, 214 pp.
ISBN 969 8217 22 3

ASR Publications

Flat No.8, 2nd Floor, Flats No. 5 & 6, Main Market
Gulberg II Lahore, Pakistan

**The Mobilization of Women in the
Egypt**

Ghada Hashem Talhami

1996, 198 pp.

University of Florida Press

Gainesville, Florida, U.S.A.

**Gender and the Israeli-Palestinian
Conflict:**

The Politics of Women's Resistance

Simona Sharoni

Syracuse Studies on Peace and Conflict
Resolution

1995, 199 pages
ISBN 0-8156-0299-5

Syracuse University Press

1600 Jamesville Avenue
Syracuse, New York 13244-5160, U.S.A.

**Nostalgia, Gender and Nationalism:
Narrative Traditions**

**Editors: Suzanne Kehde and Jean
Pickering**

1996, 320pp
ISBN: 0 8147 6636 6

New York University Press

70 Washington Square South
New York, NY 10012, U.S.A.

**Prajanan:
Reproduction and the Politics of Control**

Chayanika, Swatija and Kamaxi

The book begins with a critical analysis of the Family Planning programme in India which forms the essential backdrop for reproductive technologies in India. This is followed by two chapters describing female and male reproductive systems and how they are experienced. The book then deals with different techniques of contraception and later, assisted reproduction, devoting a chapter to each of them. It includes a chapter on clinical trials and their basis, and another on the Dalcon shield illustrating the role played by pharmaceutical companies in developing new contraceptive methods.

The book ends with possible emerging alternatives to contraception and to assisted reproduction - fertility awareness and adoption. And then it drops anchor temporarily, till the new book, the next interaction...

1996, 200 pp

Swatija and Chayanika

9, 'Sarvesh',
Govindnagar, Thane (E) 400 603, India.

**Sri Lanka:
State of Human Rights**

This report is a detailed account of the state of human rights in Sri Lanka, focussing on events which occurred in the country in 1995.

The report considers civil and political rights in relation to the integrity of the person, freedom of expression and media freedom, and judicial protection of human rights; as well as workers' rights including the workers' charter,

trade unions and the rights of plantation workers; children's rights, the right to health; minority rights; and the rights of internally displaced persons. Hence the report represents an important watershed with regard to human rights in Sri Lanka.

1995

Law & Society Trust

No. 3, Kynsey Terrace, Colombo 8, Sri Lanka.

**Wounding Words:
A Woman's Journal in Tunisia**

Evelyne Accad

1996

Heinemann

Halley Court, Jorden Hill
Oxford OX2 8DP, U.K.

**The Power of the Word:
Culture, Censorship, and Voice**

Meredith Tax

with Marjorie Agosin, Ama Ata Aidoo,
Ritu Menon, Ninotchka Rosca and
Mariella Sala

1995, 48 pp.

Produced by

Kali for Women

B 1/8 Hauz Khas,
New Delhi 110 016, India.

Published by

**Women's World (Women's World
Organization for Rights, Literature &
Development)**

Box 20006, Cathedral Station,
New York, N.Y. 10025, U.S.A.

Islamic Family Law

edited by Chibli Mallat and Jane Connors

There have been significant developments in the evolution of Islamic Law with respect to the family, especially in those countries where the shari' tradi-

tion is influential. This book covers current research into the most challenging areas of Islamic family law and the articles which are included are central to the interests of influential groups in many Islamic countries as well as the perceived rights of significant minorities throughout the non-Islamic world.

The research covers countries as different as the Federal Republic of Germany, Iraq, Thailand and the U.K. It addresses historical issues such as the development of the law of succession in Islamic law, the colonial encounter and its impact on Islamic family law in India, as well as contemporary law of the family in Egypt, the sub-continent, Iran and Europe. Special attention is given to the law of minorities in their relation to the State.

January 1991, 350 pp
ISBN 1-85333-301-8

Graham & Trotman Limited, London
Sterling House
66 Walton Rd, London SW1 1DE, U. K.

**Voices:
Findings of a Research into Reproductive
Rights of women in Nigeria**

**Grace Osakue, Bene Madunagu, Hajara
Usman and Jane Osagie**

IRRRAG-Nigeria was constituted in 1993, as part of a seven country study which commenced in 1992, to investigate the meanings of reproductive rights among women, with particular attention to women whose voices were least likely to be heard in national and international policy making arena, project these voices and co-ordinate actions for change.

1995, 163 pp

**International Reproductive Rights
Research Action Group (IRRRAG) Nigeria,**
32, Cooke Road, P.O. Box 7400,
Benin City,, Nigeria.

**Yearbook of Islamic and Middle
Eastern Law
Volume 1**

Editors: Eugene Cotran and Chibli Mallat

The first book of its kind on the legal system of the Middle East, providing information on jurisdictions that have hitherto never been covered in such a precise and scholarly manner. The Yearbook is an indispensable tool for students and practitioners in the Middle East alike.

February 1996, 656 pp
ISBN 90-411-0883-1

Kluwer Law International
Order Department, Distribution Centre
P.O. Box 322, 3300 AH Dordrecht,
The Netherlands

**Behind Closed Doors:
Women's Oral Narratives in Tunis**

Monia Hejaiej

Forty-seven tales told by three Beldi women - members of a historical community in Tunis - offer contradictory visions and a kaleidoscopic view of the position of women in the rich life of a North African city.

1997, 369 pages

Rutgers University Press
Livingston Campus, Rutgers
University, Bldg. #4161, New Brunswick,
New Jersey 08903-5062, U.S.A.

**Women in Nigeria:
An Annotated Bibliography**

Compiled by Uche Azikiwe

Greenwood Press
88 Post Road West,
Westport, CT 06881, U.S.A.

Islam and Public Law
edited by Chibli Mallat

This book groups essays which represent the most advanced scholarship on public law in the world of Islam. Whilst the studies cover a wide historical and geographical span, ranging from early views in classical Islamic texts to the latest decisions of the Egyptian Supreme Constitutional Court, the importance of Public law in the current debate, within an Islamic legal and cultural context, constitutes a thread running through the work.

Key issues such as shura (consultation), bay'a (choice or election of rulers), the significance of the shari'a (Islamic law), the structure and role of the courts and of the Muftis, the rule of law, the production of legal literature in the state and in the educational system, find extensive treatment in studies based on first-hand information by judges, scholars, and practitioners.

June 1993, 288 pp
ISBN 1-85333-768-4

Graham & Trotman Limited, London
Sterling House, 66 Walton Rd
London SW1 1DE, U. K.

La Mujer Musulmana:
Bibliografia

Compiled by Caridad Ruiz-Almodovar

1994, 890 pages (2 Volumes)

Universidad de Granada
Antiguo Colegio Maximo
Campus Universitario de Cartuj
18071 Granada, Spain

Claiming our Rights:
A Manual for Women's Human Rights in
Muslim Societies

Mahnaz Afkhami and Haleh Vaziri

1996, 154 pages
Published by Sisterhood is Global
Institute

Available from:

Women's Ink
777 United Nation's Plaza
New York, N.Y. 10017, U.S.A.

Women's Rebellion and Islamic
Memory

Fatima Mernissi

1996, 131 pages
ISBN: 1-85649-398-9

Zed Books
7 Cynthia Street
London N1 9JF, U.K.

Women and Politics in the Third
World

Edited by Haleh Afshar

1996, 224 pages
ISBN: 0-415-13861-2

Routledge
11 New Fetter Lane
London EC4P 4EE, U.K.

The Position of Women in Islamic
Countries:
Possibilities, Constraints and Strategies
for Change

Sally Baden

Bridge Report, 1992, 47 pages

Bridge Publications
Institute of Development Studies
Brighton, East Sussex BN1 9RE, U.K.

Irangees:
Iranians in Los Angeles

Ron Kelly, Jonathan Friedlander and
Anita Colby (Editors)

1993, 396 pages

University of California Press
Berkeley, CA 94720, U.S.A

For Rushdie :

Essays by Arab and Muslim writers in defense of free speech / Anouar Abdallah ... [et al.]

Contents: Why is it necessary to defend Salman Rushdie? / Anouar Abdallah — On the subject of Rushdie / Etel Adnan — Even the sun... / Adonis — The Rushdie affair in France / Farid Aichoun — Is the Fatwa a Fatwa? / Sadik J. al-Azm — Rushdie, the traitor / Aziz al-Azmeh — Escaping from both “organized” oppression and “diffuse” oppression / Bouland Al-Haidari — Concerning repression, liberty, and the affirmation of the right to be different / Eduard al-Kharrat — Night / Omar Amirallay & Mohammed Mallas — Concerning the Rushdie affair / Mahshid Amir-Shahy — Appeal of Iranian Artists & Intellectuals — Back to the Rushdie affair once more / Mohammed Arkoun — Freedom / Aicha Arnaout — Rushdie on the edge of the abyss between East and West / Liana Badr — The sanctification of the patriarchate : outline of a theory of intolerance in religion and family / Halim Barakat — The metaphors for God / Salim Barakat — The combat between the demon and fire / Abbas Baydoun — Hello, Salman Rushdie / Riad H. Beidas — Theft of fire / Tahar Bekri — The end of an illusion / Rabah Belamri — The target of the Fatwa / Murat Belge — The liberty of the word / Emna Belhadi Yehya — Islam and literature / Jamel Eddine Bencheikh — Verse of the mirrors / Mohammed Bennis — Rushdie, or the textual question / Fethi Benslama — A new human illness : fictionalizing Salman Rushdie and his critics / Reda Bensmaïa — Bring open to the imaginary / Zhor Ben Chamsi — For Rushdie / Tahar Ben Jelloun — Respect for freedom / Khedija Ben Mahmoud Cherif — Mourning, sorrow! / Latifa Ben Mansour — Literary Form / Mohammed Berrada — Concerning a memory : of a photo of Salman Rushdie, with eyes as if painted in a miniature, and with his right hand raised to his lips / Kamal Boullata — The transformation of the past / Abdesselame Cheddadi — For Salman Rushdie / Andre Chedid — They want me dead / Mahmoud Darwish — It's time to reverse the condemnation of Salman Rushdie / Hichem Djait — The solitude of King Salomon / Assia Diebar — Tatou / Hanan El Cheikh — Concerning Salman Rushdie : notes for a project of secularization / Driss El Yazami — Asselman / Ahmed Essyad — Against / Nabile Fares — Exile / Safa Fathi — A point of view on the ordeal of Salman Rushdie / Soleiman Fayyad — For Rushdie / Djaïal Gandieih — Behiya / Moncef Ghachem — Our neighbor Salman Rushdie / Karim Ghassim — Sheikh Bedreddin / Nidim Gursel — No one among us can wash his hands of this friend's blood / Emile Habibi — For Rushdie / Mohammed Harbi — And also for them / Jamil Hatmal — Twilight on the city wall / Ahmed Hegazi — Practices of another time / Fereydoun Hoveida — For Rushdie / Sonallah Ibrahim — For Salman Rushdie / AdilJasouli — The Adam of a free liberty / Salim Jay — An open letter to Salman Rushdie, or 1,001 reasons to admire him / Kadhim jihad — Ballad, or the Fatwa of the masters / Helene Kafi — The words of poets and wandering minstrels / Ahmed Kalouaz — The hidden side of the Rushdie affair / Ramine Kamrane — Letter to Salman Rushdie / Khemais Khayati — So Be It / Michel Khleifi — The writer and the story / Elias Houry — The clock / Abdellatif Laabi — Chaos / Bahauddeen Latif — For Rushdie / Amin Maalouf — Returning to a state of law / Camille Mansour — Waiting for another community / Abdelwahab Meddeb — Traps / Misska — The Prey / Abdel Rahman Mounif — How to read The satanic verses / Sami Nair — Affirmation of being / Okba Natahi — The Salman Rushdie case in Turkey / Aziz Nesin — Of Salman Rushdie and fanaticism / Tahar Ouettar — For Rushdie / Orham Pamuk — Guess who's coming to dinner / Wassyla Rais-Ali — For Rushdie : imagination, fiction, and freedom / Hadi Rizk — The hole left by God / Nourredine Saadi — Against the orthodoxies / Edward W. Said — Regarding Rushdie / Tayeb Salih — Islam and the end of history / Joseph Samaha — Letter to an inquisitor / Elias Sanbar — Lamentation / Leila Sebbar — A test of humanity / Youssef Seddik — For Rushdie / Habib Selmi — Farag Foda was assassinated / Antoine Sfeir — The glowing ember / Anton Shammass — Abraham's guest / Salah Stetie — Reading Rushdie / Nadia Tazi — In this strange voice in the words of the tribe / Habib Tengour — What one Faris Chidyaq said to the Maronite patriarch in 1855 about Salman Rushdie (regarding a question of censorship) / Fawaz N. Traboulsi.

ISBN: 080761355X (pbk.)

Pub. Info: New York : George Brazillier, 1994.

**Muslim Identity and Social Change
in Sub-Saharan Africa**

Louis Brenner (Editor)

1993, 250 pp.,

Indiana University Press

Dept. SJH, Teenth and Morton Streets,
Bloomington, Indiana 47405, U.S.A.

**Sharia' Law and Modern Nation-
State:
A Malaysian Symposium**

Edited by Norani Othman

1994, 160pp.

Sisters in Islam

SIS Forum (Malaysia) Berhad,
P.O. Box 8334, Kelana Jaya Post Office
46787 Selangor, Malaysia

**Between the Slogans of
Communism and the Laws of
Islam**

Marfua Tokhtakodjaeva

Translated by Sufian Aslam

Edited by Cassandra Balchin

December 1995, 271pp.

Shirkat Gah Women's Resource Centre

208 Scotch corner, Upper Mall,
Lahore, Pakistan

WLUML Publications

**Fatwas Against Women in
Bangladesh**

Readers and Compilations Series

August 1996

**Talaq-i-Tafwid: The Muslim
Woman's Contractual Access
to Divorce**

An Information Kit

Readers and Compilations Series,
October 1996

205 pp.

**Islamic Law and the Colonial
Encounter in British India**

Michael Anderson

Wluml Occasional Paper No. 7

June 1996, 24pp.

**Cent Mesures et Dispositions:
Pour une codification Maghrbine
égalitaire du statut personnel et du
droit de la famille**

Collectif 95 Maghreb Egalité

1995, 38pp.

For more information write to:

Women Living Under Muslim Laws

B.P. 23, 34790, Grabels, France.

Dissertations and Theses

An Analysis of the Human Rights and Gender Consequences of the new South African Constitution and Bill of Rights with regard to the Recognition and Implementation of Muslim Personal Law (MPL)

Unpublished LL.D dissertation. Bellville: University of the Western Cape. 1996.

Najma Moosa

Faculty of Law

University of the Western Cape, Private Bag X17, Bellville 7535, Republic of South Africa

Islam, Sectarianism and the Muslim Brotherhood,

Unpublished Ph.D thesis, University of London, 1989

T.A. Hamid

The British Library
Lending Division, Boston Spa
Wetherby
West Yorks, LS23 7BQ, U.K.

Knowledge and the Production of Identity: Educational Discourse in Pakistan

PhD. dissertation (Education) submitted at the University of Rochester, 1995.

Rubina Saigol

[AAC No.: 9530412]

University Microfilms International (UMI)

300 N. Zeeb Road
Ann Arbor, MI 48106, USA

The Islamic law of marriage and divorce in India and Pakistan since partition.

Ph.D. 1971-72. (School of Oriental and African Studies).

D. Hinchcliffe

The British Library

Lending Division, Boston Spa
Wetherby
West Yorks LS23 7BQ, U.K.

Engendering the Nation: State Building, Imperialism and Women in Syria and Lebanon, 1920-1945

PhD. dissertation (History) submitted at the University of Columbia in 1995

Elizabeth F. Thompson

UMI AAC No: 9533678

University Microfilms International (UMI)

300 N. Zeeb Road
Ann Arbor, MI 48106, USA

Organisation and procedure of the Shari'a Courts in Northern Nigeria.

Ph. D. 1972. (School of Oriental and African Studies).

S. Kumo

The British Library

Lending Division, Boston Spa
Wetherby, West Yorks LS23 7BQ, U.K.

Courses

Women's Studies Course in Pakistan

The Institute of Women's Studies Lahore, Pakistan offers a Certificate in Multidisciplinary Women's Studies/Women and Development. The short-term course tackles the following topics:

Research Skills / Herstory / Media & Cultural Representation / Women's Literature / Women, Ideology & Law / Political Economy & State / Identity & Religion / Sexuality, Health & Psychology / Women's Movement / Feminist Theory

Limited to only 10 to 15 women, the three-month course starts on 15 september 1997. It costs about US\$ 2 600,00 to US\$ 3 200,00. Deadline for applications is on 1 May 1997. The Razia Bhatti Scholarship is available for media personnel and the Amineh Azam Ali Scholarship for development activists.

For inquiries and forms, kindly contact:

Institute of Women's Studies - Lahore

P. O. Box 3154
Gulberg, Lahore, Pakistan

Women and Development

M.A. - Development Studies at Institute of Social Studies

The Hague, The Netherlands

The courses broadly cover the following topics:

- a critique of social science and development theories, and their underlying assumptions with regard to women
- methodology of women's studies and field visits
- the social history of women's work
- domestic labour and subsistence production
- women in religious and political thought
- contemporary debates in the women's movement
- women and agrarian change
- the effects of the internationalization of capital on women
- sexuality, birth control and population control

For further information, application forms, etc., please contact:
the Academic Registrar (c/o Student Office),

Institute of Social Studies,

P.O. Box 90733,
2509 LS The Hague, The Netherlands.

Audiovisuals

Islam, the Middle East, and Christian fundamentalism

Robert Ali, Assad Abou Khalil, and Marc Jurgenmayer interviewed by Ian Masters ; commentary by Edmond Haddad.

1993
1 reel (59 min.) : 7 1/2 ips., mono.
ARCHIVE#: E2KZ1890.26

Pacifica Radio Archive,
Los Angeles, U.S.A.

The International Tribunal on Human Rights Violations Against Sexual Minorities

(30 min.) / Format: NTSC

A documentary featuring tribunal speakers and judges. Contains testimonies on world wide human rights abuses based on sexual orientation and gender identity, as well as judges recommendations for action to the UN, national governments, and human rights organizations.

International Gay and Lesbian Human Rights Commission

1360 Mission Street, Suite #200
San Francisco, CA 94117, U.S.A.

The Fundamental Question

Dir/Prod.: Ahmed A. Jamal for Channel 4, BBC and Global Designs

1994 / 65 min. / VHS

The Fundamental Question is a three part film on Islamic extremism. In part one a global Islamist network violently challenges modernity. Egyptian volunteers in the Afghan War return to haunt governments that used them to fight

the Russians. Part two suggests Islamists are inherently opposed to democracy. Algeria and Turkey illustrate the alleged folly in permitting Islamist political parties. Part three examines Jordanian fundamentalists, shown as more politically and technologically sophisticated.

Landmark Media Inc.,
3450 Slade Run Drive, Falls Church
VA 22042, U.S.A

Iraqi Women: Voices from Exile

Director: Maysoon Pachachi
Production: Qxymoron Films,
Channel 4, BBC
Date: 1994
Duration: 51 min.
Format: VHS

This three part documentary attempts a survey of the reality of Iraqi women. It brings out the voices of Iraqi women in exile. Part one chronicles the changes in the status of Iraqi women from early 20th century to the Saddam Hussain era. Veiling and honour crimes described by women who experienced them....; describes reforms granting maternity benefits and wage equality enacted after the 1958 revolution. Sate secularism, however incited, Islamic feminism, as articulated by Bint al-Huda from Najaf, who "disappeared". Other women in opposition, communists, artists, intellectuals, Kurds recount their harrowing experiences with the Baathist state. Part two explores the attempts to replace the 1.5% casualty rate of the Iran-Iraq war through the state sponsored fertility programmes. Part Three deals with the Gulf war and its aftermath.

Women Make Movies

462 Broadway, Suite 500-D,
New York, N.Y. 10013, U.S.A

Announcements

The Ginetta Sagan Fund Award of Amnesty International U.S.A.

Dear Colleagues:

As many of you know, Ginetta Sagan, Honorary Chair of the Board of Amnesty International USA, has worked tirelessly for many years to meet the needs of victims of oppression through private resources. Unfortunately, she and her husband Leonard are no longer able to continue their previous activities as they are both facing personal battles with cancer. In order to ensure that their important work will continue, and to honor Ginetta's extraordinary efforts to date, a fund has been established under the aegis of Amnesty International. As an endowed fund dedicated to assisting women and children, it is unique within Amnesty International.

The Ginetta Sagan Fund will offer an award as part of its permanent goals. It will be given annually in recognition of individual accomplishment and to highlight the extraordinary work of women human rights activists who challenge oppression and abuse throughout the world. The Fund seeks to promote the work of individual women who demonstrate outstanding achievement, often in the face of personal danger, in order to assist women and children. The purpose of the Award is to increase international scrutiny of crisis regions and human rights issues, and to enable individual women working in these regions and on human rights issues, to live and work independently, and to continue, expand and improve their work. To this end, a \$10,000.00 grant is given to each award recipient.

The Award will be given to women who meet the following criteria: * She works on behalf of the human rights of women or children; * She demonstrates courage, integrity and commitment to human rights principles;

- She resides in, or is indigenous to, the crisis region.

Nominations are encouraged and should be accompanied by materials highlighting the nominee's qualifications as well as a description of the circumstances under which she does the work for which she is being nominated.

Please send nominations to:

GSF Award Committee,

c/o AI-USA Western Regional Office, 500 Sansome Street, #615, San Francisco, CA 94111, U.S.A.

Campaigns and Events

Algerian Fundamentalists Sued For Crimes Against Humanity:

Anwar Haddam and Islamic Salvation Front Charged In U.S. Human Rights Lawsuit

(Press Release) Washington, D.C., December 18th, 1996 - Late last evening women's rights advocates, intellectuals, political democrats, journalists, and opponents of religious intolerance, sued the Islamic Salvation "Front (FIS), and its US-based representative, Anwar Haddam, for crimes against humanity, war crimes and other human rights violations. The FIS and its armed branches, the Armed Islamic Group (GIA, Armed Islamicj Movement (MIA), and Islamic Salvation Army (AIS), is an organized, fundamentalist, Islamic movement in Algeria which is engaged in a campaign of terror with the objective of using religion to seize power. FIS/GIA/MIA/AIS tactics include: assassinations, beheading, rape and other torture, hijacking, hostage-taking, mutilation, extortion, ethnic cleansing and sexual slavery. Among its goals are the establishment of a state based on sexual apartheid.

Anwar Haddam has been residing in the US since 1992, during which time he has operated as an official representative of the FIS. Recently, US immigration authorities initiated exclusion proceeding against Haddam and he is currently being held in Virginia, where he was served with the lawsuit late yesterday.

The plaintiffs represent over 1500 women and men, individuals at all levels of society, who asked the New York-based Center for Constitutional Rights (CCR) to take legal action intended to hold the FIS, its armed branches, and Haddam responsible for the atrocities they have committed. Independent of the Algerian state, they represent the heterogeneous group of all those working for a civil society in Algeria.

The Center for Constitutional Rights filed the lawsuit with the International Women's Human Rights Law Clinic (IWHR), and the Washington law firm of Maggio and Kattar. The case is brought under the Alien Tort Claims Act, which has been used to great effect by CCR in vindicating Human Rights violations carried out around the world.

One of the plaintiffs, Jane Doe III, who has requested that the court use a fictitious name for her because of fears for the safety of herself and family, discussed her purpose in bringing the lawsuit: "We have engaged in this action so that those who are responsible, including Anwar Haddam, for the horrors committed against us will not remain unpunished." A second plaintiff continued, "We place this action in the global struggle against all forms of fundamentalism and fascism. In Algeria, the goal of Haddam and the other instigators is to establish a theocratic fascist state. We cannot accept this."

Rhonda Copelon, CCR Vice-President and director of IWHR commented on the importance of the lawsuit: "FIS cannot commit crimes against humanity and expect to operate with impunity in the United States. This case allows those who demand the right to live in security and liberty in a democratic Algeria to make their case in court. The activists who have come forward do so at tremendous risk to themselves and their families."

Women's Rights Campaigners in Algeria are seeking modification of the current Algerian Family law

Text of a signature campaign leaflet of Algerian Feminists:

A million signatures for Women's Rights in the family...

Mujaheddate, We participated in the liberation of Algeria,

Women Workers, We contribute to the progress of the country, Resisters, We meet threats and take charge of our day to day lives so as to let life carry on, Activists, We fight to conquer our rights, Democrats, We struggle for individual and collective freedom,

Targets, We are supposed to be there to be felled by obscurantist forces, Victims, We are raped, mutilated and our throats slit open by terrorism, Citizens, We are considered to be of age by the ballot box, but as minors within the family, Algerian women, We share the fate of this country, but we are subjected to legalized injustice in the Family Code, In order to put an end to this injustice, For our rights, the same rights in the family, together : Women and Men, let us act immediately to change, to do away with the most discriminatory articles of the Family Code.

We propose other laws, laws which will no longer permit women and their children to be thrown out in the street, laws which will not deprive women of retaining guardianship of their children, laws which are more just.

Uphold this demand, uphold our proposals.

Sign this appeal with us...

... and we will be a million.

For the adoption and immediate application of the 22 proposals !

Since 1984, the application of the Family Code has resulted in the negation of women's rights, the break up of the family cell and the destructuring of society.

Whereas the Family Code grants legal guardianship of the children and the conjugal home to the divorced father; the same text gives the custody of the children to the woman and throws them on the streets without any possible recourse whatsoever.

Whereas the woman retains custody of the children, she finds herself stripped of all legal rights, including the education and health of her children (the permission of the divorced father is mandatory for the child's admission in school and in case of a surgical operation).

Whereas the constitution considers the woman capable of voting and the civil code considers her capable of terminating contracts, the family code renders her incapable of terminating her marriage.

In the face of such an appalling and legalized situation, women have been continuously struggling for the recognition of their rights in the family.

Moreover, women's associations of varying points of view- some favouring the amendment and others the repeal of the family code- and yet others with a social

and cultural bent, are demanding the adoption and immediate application of the 22 proposals in their totality- proposals stemming from Workshops on legal and social protection of women held on the 16th, 17th and 18th april 1996.

This particular action is a support of the egalitarian content of the 22 proposals and responds to the urgency of the increasingly appalling situation that women subjected to the discriminations of the family Code are confronted with, discriminations that are further aggravated by terrorism and the increasingly difficult economical context.

Initiated by the following associations:

AITDF, Collectif 95 Maghreb-Egalité, Collectif B'net N'Soumer, Défense et Promotion des Droits des Femmes, Etre, El-Azhar Etoile Culturelle d'Akbou, Faued, Femmes en Communication, La Citoyenne, Rachda, RAFD, Tighri N'tmetuth, Voix de Femmes.

The prevailing Algerian Family Code contains the following provisions:

Article 8: It is permitted to contract marriage with more than one wife within the limits of the Shari'ah, provided that there is just ground and that the conditions and the intention of fairness and equity have been adhered to and that the previous and future wives are duly informed. Either wife can bring judicial action against the husband in case of betrayal of trust or demand divorce in case the marriage has taken place without her consent.

Article 9: Marriage shall be contracted with the consent of the future spouses, the presence of the marriage-guardian and twowitnesses as well as the settlement of dower.

Article 11: Conclusion of marriage of a woman shall be contracted by her marriage-guardian, who may be her father or one of her near relatives. The qadi is the marriage-guardian of a person who has no father or near relative.

Article 12: The marriage-guardian (wali) cannot stop his ward from contracting marriage if she desires it and it is beneficial for her. In case of opposition by him, the qadi can authorize marriage under the provisions of article 9. However, the father can object to the marriage of his

Modifications in the Algerian Family code proposed by Algerian Women's movement initiatives:

Article 8: Marriage is prohibited if the previous marriage has not been dissolved.

Article 9: Marriage occurs with the sole consent of the two future spouses.

Article 11: The future spouses, once they have attained majority, negotiate the marriage themselves before a civil officer of the State or any lawful authority in the presence of two witnesses who may be of either sex.

Article 12: The guardian cannot stop his minor ward from marrying. However, marriage can only be contracted with a judge's authorization who may grant special permission of age waiver for serious reasons.

minor daughter (bikr) if such opposition is in her interest.

Article 13: It is forbidden for the wali (marriage-guardian), whether he is the father or any other person, to force his ward into marriage just as he cannot marry her without her consent.

Article 18: The contract of marriage is to be concluded before a notary public or a legally authorized functionary, subject to the provisions of article 9 of the present law.

Article 33: Contracted without the presence of the marriage-guardian (wali), the two witnesses or the dowry, the marriage is declared null and void before consummation and does not give right to dower. After consummation, it is confirmed by the proper dower (sadaq and mithl) if one of the constitutive components is vitiated. It is declared null and void if several of its components are vitiated.

Article 37: The husband is required to:

1. Provide maintenance to his wife in keeping with his capacity except when it is established that she has left the conjugal home.
2. Deal with fairness and equity with his wives if he has more than one.

Article 38: The wife has the right to:

1. Visit her prohibited relatives and receive them in accordance with usages and customs.
2. To dispose freely of her property.

Article 39: The wife is required to:

1. Obey her husband and give him due consideration as would befit his position as head of the family.
2. Breast-feed her progeny if she is capable of it and rear it.
3. Give due respect to her husband's parents and close relatives.

Article 40: Filiation is established by valid marriage, acknowledgement of

Article 13: To be repealed.

Article 18: To be repealed.

Article 33: Contracted without the presence of the guardian, the two witnesses in the case of a minor, the marriage is declared null and void before consummation and does not give right to dower. After consummation, it is confirmed by the proper dower (sadaq and mithl) if one of the constitutive components is vitiated. It is declared null and void if several of its components are vitiated.

Article 37: The spouses must share in supporting their family, whether through financial means and/or domestic chores.

Article 38/39: Each one of the spouses has the right:

- to work.
- to administer and dispose of their own personal property.
- to keep her/his family name, to circulate freely.

Article 40: Filiation is established by

paternity, proof, apparent or vitiated marriage and any marriage annulled after consummation, in conformity with articles 32, 33 and 34 of the present law.

Article 48: Divorce is the dissolution of marriage. It arises from the will of the husband, mutual consent between the two spouses or upon petition presented by the wife within the purview of stipulations laid down in articles 53 and 54.

Article 51: Any man who has thrice divorced his wife can take her back only after she has been married to someone else, or after her having divorced from him or after his death subsequent to their having lived together as a couple.

Article 52: If the qadi comes to the conclusion that the husband has made abusive use of his right to divorce, he may award to the wife damages for the harm she has suffered. If the right of custody has been granted to her and she does not have a guardian who accepts to lodge her, she and her children shall be provided accommodation according to her husband's capacity. This right does not apply if there is only one conjugal home. However, the divorced woman loses this right upon remarriage or upon being convicted of a duly established immoral act.

Article 53: The wife can seek divorce on the following grounds:

1. For non-payment of maintenance as laid down by judgement except when the wife had been aware of the indigence of her husband at the time of marriage subject to the provisions of articles 78, 79 and 80 of the present law.
2. For infirmities coming in the way of fulfilment of the aim of marriage.
3. For refusal of the husband to share his wife's bed for more than four

valid marriage, acknowledgement of paternity, paternity proceedings, proof, apparent marriage and all marriages annulled after consummation, in conformity with articles 32, 33, 34 of the present law.

Article 48: Divorce is the dissolution of marriage.

It is pronounced:

1. In the case of mutual consent between spouses.
2. Upon petition presented by one of the spouses to whom harm was done.
3. Upon petition by one of the parties or upon joint petition, for shared fault of the two spouses.

Article 51: To be repealed.

Article 52: Custody of children is given to either one of the parents. The judge will decide this, after having taken into consideration the child's interest.

The conjugal residence is awarded to the parent who has custody of the children if this parent has no residence.

Article 53: To be repealed.

months.

4. For conviction of the husband, punishable with loss of civil rights for a period exceeding one year, which is of such nature as to bring dishonour upon the family and render impossible life together and taking up of normal conjugal life.

5. For absence of the husband for more than a year without any valid excuses or without payment of maintenance. 6. For any harm legally recognized as such, especially through violation of the provisions of articles 8 and 37.

7. For any established severely reprehensible immoral act.

Article 54: The wife can get separation from the husband by khul' under an agreement on the same. In case of disagreement, the qadi may pass a decree of khul' for a consideration to be given by the wife not exceeding the value of proper dower at the time of issue of the decree.

Article 57: Divorce decrees shall not be subject to appeal except in regard to their material aspects.

Article 64: The right to custody comes first to the child's mother, then to her mother, then to the maternal aunt, then to the father, then his mother, then to the closest relatives in the best interests of the child. While pronouncing the ordinance connected with the custody of the child, the judge has to give visitation rights to the other party.

Article 65: The custody of a male child ceases at ten completed years of age and of a female child when she attains the capacity to marry. The qadi may extend the period upto sixteen completed years for the male child if the mother has not remarried. However, the interest of the child shall be taken into account while passing the judgement on terminating custody.

Article 72: The costs of maintenance and housing are to be borne by the child in

Article 54: To be repealed.

Article 57: Divorce decrees shall be subject to appeal.

Article 64: The parent who does not have custody of the child has visitation rights and retains the right of supervision on his child.

Article 65: The custody of the child granted to one or the other parent ceases upon majority.

custody if he has the means. In the opposite case, the father is obliged to provide housing or pay for his housing if the child does not have the means.

Article 80: Maintenance is liable to be counted from the date upon which legal proceedings were instituted. The judge shall give ruling on payment of maintenance on the basis of a proof, for a period not exceeding one (01) year prior to the institution of proceedings.

Article 87: The father is the guardian of his children if they are minors. Upon his death, guardianship is transferred to the mother by virtue of her rights.

Article 72: To be repealed.

Article 80, paragraph 3: In case of non-payment of an instalment of maintenance, the same can be deducted from the salary of the ex-husband after an authorization to this effect from the judge. A demand, in such a case, is instituted upon a mere request made by the mother who retains custody to the judge who delivers his ruling within a period of 15 days.

Article 87: During married life, guardianship is fulfilled, by right, by the mother and father jointly. In case of divorce, guardianship is exercised by the parent who has custody of the child. Upon death of one or the other of the parents, guardianship is transferred to the surviving parent by virtue of his/her rights.

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