

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



Dossier 25

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Portraits of Two Islamist Women: Escape from Freedom or from Tradition?

Janet Afary

In the last two decades as the political landscape of the Middle East, North Africa, and Southeast Asia increasingly has become identified with conservative Islamist discourses, a number of feminist historians have tried to probe the contradictions in an attempt to understand the underlying reasons for the growth of Islamism. Most of these studies, including writings by this author, have adopted a broad historical, political, or sociological lens through which gender relations and the concerns of women of the region have been analyzed.¹ In this article on Islamist women of Iran, however, I wish to adopt a somewhat different perspective. I am not looking at rank-and-file women who, willingly or not, acquiesced to the Islamist movement after the 1979 Revolution. Rather, I am interested in a more intimate, almost personal, exploration of the lives of two women who assumed leadership roles in the Islamist movement before the Revolution. My point is that religious fundamentalist movements often have women in prominent positions, and their role is to help develop and popularize the movement's gender ideology. These women are hardly subordinate in the obvious sense. Many join the movement as a result of a complicated series of motivations, including a desire to end their own sense of loneliness and lack of power, a wish to appropriate certain aspects of modernity without alienating their traditional milieu, or to gain authority over others.

This type of study has been explored for other historical periods, and other countries, as will be seen below. However, it has not been easy for

1 This article is a revised version of papers presented in August 2001 at the Bellagio Conference on *Women and Gender in the Middle East: A Multidisciplinary Assessment of the State of Theory & Research*, the April 1999 Annual Research Conference of the Joint Center for International Studies (Milwaukee-Madison), and the August 2000 annual meeting of the American Sociological Association (Washington, D. C.). Special thanks to Mark Tessler, Michael Chamberlain, Lauren Langman, Azar Nafisi, Akbar Mahdi, Barmak Sameian, Sherifa Zuhur, Amanda Neridge, Suad Joseph, and Kevin Anderson for their helpful comments, to Hirmand Hassas, who provided me with valuable information from Iran on Zahra Rahnavard, and to Saeed Damadi for copies of *Payam-e Zan* and other Persian periodicals. The literature on gender relations is simply too broad to list here and includes writings in English and Persian by numerous Iranian feminists, including among others Shahla Haeri, Val Moghadam, Haideh Moghissi, Afsaneh Najmabadi, and Nayereh Tohidi. For a more recent discussion of gender and the religious right in the Middle East and the point of view of several historians, see the special issue of *Journal of Women's History: Women and 20th Century Religious Politics: Beyond Fundamentalism*, vol. 10, no. 4 (Winter 1999). In particular see the articles by Nikki R. Keddie, *The New Religious Politics and Women Worldwide: A Comparative Study*, pp. 11-34; and Valentine M. Moghadam, "Revolution, Religion, and Gender Politics: Iran and Afghanistan Compared", pp. 172-95.

Iranian academic feminists to carry out because of political considerations inside Iran. Outside Iran, it has been emotionally wrenching due to the wide ideological, political (and geographical) gulf that has separated us for over twenty years. And yet the changes that have been going on in Iran since 1997, the emergence of a strong Reformist movement that includes many advocates of women's rights who have ties to the Islamist movement, and the new discourse on Islamic feminism, all make it imperative to conduct precisely this type of study.

I also wish to draw on the particular insight I have gained from years of studying and teaching Erich Fromm and other theorists of the Frankfurt School. I believe that Fromm's analysis of authoritarianism in the 1930s and 1940s, together with more recent studies on the religious right in the United States, can help shed new light on the complex phenomenon of Islamism in Iran and some reasons for its growth in the 1970s and 1980s. At the same time, an exploration of Islamism in Iran, particularly with an emphasis on gender, can enrich theories of authoritarianism by pointing to sites of changes and resistance and by showing that the decision to join these movements stems from a desire to both "escape from tradition" and "escape from freedom." Women who join right-wing Islamist movements gain a number of rights that the traditional patriarchal society does not offer them. These privileges, however, come at a heavy cost to others, especially secular advocates of women's rights who have suffered immensely under the Islamic theocracy of Iran.

Modern Individualism and Rise of the Right

In his studies on fascist and totalitarian societies in the twentieth century, Fromm argued that the growth of individualism in modern Europe resulted in psychological trauma with significant political ramifications. Fromm held a doctorate in sociology, was a practicing psychoanalyst, and became a founding member of the Frankfurt School of Critical Theory, which forged a new synthesis of Marx, Freud, and Nietzsche in its studies of the family and authoritarianism. Fromm wrote about the disruption of the traditional family in urban Western societies and the sense of insignificance and loneliness that the individual felt as a result. Modernity had freed human beings from the highly hierarchical mold of medieval life, with its rigid guild structure and well-known patterns of family obligations, and introduced the possibility of "freedom from" traditional society. But this more hierarchical medieval social order also had given human beings a relative sense of security since everyone's place in society was predetermined. Thus, the modern notion of freedom became an unbearable burden for some, to whom freedom of choice meant insecurity and loss of identity.² The loss

2 Erich Fromm, *Escape from Freedom* (New York: Henry Holt Press, 1994 ed.), p. 35; idem, *The Sane Society* (Greenwich: Fawcett, 1955), p. 61.

of status of the father in the modern family was a contributing factor to the growth of fascism in several ways. First, it contributed to an anxiety over rapid downward mobility as well as anger toward those deemed responsible for this social and economic loss. Second, the loss of status of the traditional patriarch, due to a myriad of socio-economic factors, helped fascist movements because they could claim to be the defenders of traditional patriarchy. They symbolically took the place of the father by calling for a restoration of national “pride and dignity.”³

The basic human desire for identity and rootedness now manifested itself in extreme forms of nationalism and fascism. One type of response for individuals was “to become one with the world by submission to a person, to a group, to an institution, to God.”⁴ It was to transcend one’s loneliness and individual existence “by becoming part of some body or something bigger than” oneself.⁵ A second way was to express one’s desire for connectedness by moving in the opposite direction, toward domination over others. An individual could “try to unite himself with the world by having power over it, by making others a part of this constructed world and thus transcending a sense of individual existence through domination.”⁶ Through this symbiotic relation of submission/domination, a form of sadomasochism, the individual gained a sense of attachment, direction, and power, though not necessarily a sense of integrity.⁷

Andrea Dworkin and Elinor Burkett, who have studied right-wing women in the United States, suggest a similar pattern of uprootedness, loss of integrity, and ultimately symbiotic attachment to a conservative movement. The individual completely submits to a higher principal, while also dominating others. Dworkin argues that women who have been kept “ignorant of technology, economics, most of the practical skills to function autonomously” find themselves mystified in married life, especially in an abusive and lonely one. Women such as Marable Morgan and Anita Bryant, who later became stars in the religious right, regularly lectured on how they transformed their sense of helplessness by total submission to Jesus (the church). At the same time, their new responsibilities and their need to travel, preach, and “carry out the work of God” relieved them from many

3 Lauren Langman, *I Hate, Therefore I Am*, *Social Thought and Research*, vol. 21, nos. 1-2 (1998): 169.

4 Fromm, *Escape from Freedom*, p. 154.

5 Ibid.

6 Fromm, *The Sane Society*, p. 36.

7 Ibid. For a discussion of this for contemporary society, see Lynn S. Chancer, *Fromm, Sadomasochism, and Contemporary American Crime*, pp. 31-42, and John Wozniak, *Alienation and Crime: Lessons from Erich Fromm*, pp. 43-58, in Kevin Anderson and Richard Quinney, eds., *Erich Fromm and Critical Criminology: Beyond the Punitive Society* (Chicago, University of Illinois Press, 2000).

domestic chores, additional pregnancies, and even a confining marriage, but without experiencing divorce and its stigma.⁸

My focus in this article is the complex underlying patterns of submission/domination that compelled two Iranian women, Zahra Rahnava and Marziyeh Dabbagh, to become followers of Ayatollah Ruhollah Khomeini and join the leadership of the religious right before the 1979 Revolution.⁹ I am not suggesting that every woman who became an Islamist leader fits the same pattern as these women; the phenomenon of the religious right is far too complex to fit any single model. I do think, however, that despite geographical, historical, and cultural differences between the phenomena studied by Fromm/Dworkin (European, American, and Christian) and the women in this article (Iranian and Muslim), a somewhat similar pattern can be detected. For example, some of the followers of the Islamist movement in the 1960s and 1970s were highly ambitious women who were caught in the dichotomy between tradition and modernity. They seemed to gain a new sense of purpose and identity as a result of submitting to the Islamist movement and its ethico-political structure. As they gradually became leading members of the Islamist movement, their relatives recognized their superior position, including their husbands and fathers. In this way they gained another benefit, respect and authority within the family and the community. Eventually they were also relieved of many of the burdens of a traditional life. Paradoxically, then, their allegiance to a conservative patriarchal movement that advocated women's subordination actually allowed them to be more ambitious, to gain more power and exercise extensive leadership over others, and to live much more gratifying personal lives. After the 1979 Revolution, their highly conservative political activity resulted in severe restrictions on numerous other women who lost their positions either because they rejected the strict orthodoxy of the Islamist state or because they did not fit the patriarchal mold the new government was constructing. Others left the country and chose a lonely life in exile rather than live under the Islamic Republic.¹⁰

8 Andrea Dworkin, *Right-Wing Women* (New York: Wide View Press, 1983), p. 29; and Elinor Burkett, *The Right Women: A Journey Through the Heart of Conservative America* (New York: Simon and Schuster, 1999).

9 Elsewhere I have looked at the historical, as well as social and political reasons for the rise of Islamism in Iran and the Middle East in the last two decades. More recently I have written on the new feminist movement that gradually is blossoming in Iran, especially since 1997. See Afary, *Steering Between Scylla and Charybdis: Shifting Gender Roles in Twentieth Century Iran*, *NWSA Journal* 8: 1 (Spring 1996): 28-49; idem, *The War Against Feminism in the Name of the Almighty: Making Sense of Gender and Muslim Fundamentalism*, *New Left Review* no. 224 (July-August 1997): 89-110; and idem, *Bar amadan az zulmat Bonyad-i Pazuheshay-i Zannanj* (July 2001): 194-219.

10 For a discussion of these restrictions, see Nayereh Tohidi, *Gender and Islamic Fundamentalism: Feminist Politics in Iran*, *Third World Women and the Politics of Feminism*, ed. by Chandra T. Mohanty, Ann Russo, and Lourdes Torres (Bloomington: Indiana University

Before examining the lives of Rahnavard and Dabbagh, it is useful to review the role of the magazine *Payam-e Zan* (Women's Message), the primary organ of Islamist women in Iran. *Payam-e Zan* began publication in Farvardin 1371 [March/April 1992] in Qom under the auspices of the Bureau of Islamic Publicity (BIP), a branch of the Qom Theological Seminary, to which many leaders of the Islamic Republic are affiliated. Both publisher Mohammad Ja'far Gilani and editor Sayyid Ziya' Mortazavi are men. An anonymous group of women, identified as "The Sisters Unit of the BIP," work as staff members of the journal. Between 1992 and 2000, close to one hundred issues appeared. About half of the articles were written by women. Typical articles dealt with culture and religion, society and politics, family and childcare, literature and the arts, and finally, health, hygiene and homemaking. Most articles had a strong ideological bent, including those on child-rearing and the arts.

Payam-e Zan is not the only women's journal of Iran, nor is it an enormously popular one. However, the journal does not have to rely on subscriptions or advertising to sustain itself, since the government amply funds it. But *Payam-e Zan* has to compete for readers with the more popular women's journals such as *Zan-e Ruz* (Today's Woman), which has a greater variety of articles, and especially with the more independent *Zanan* (Woman), which publishes writings by Western and Iranian feminists. In contrast to these latter journals, *Payam-e Zan* has adhered to two principles throughout its existence. First, it sees feminism as an expression of Western immorality because it recognizes a woman's right to sexual pleasure and challenges a husband's uncontested right to enjoy his wife's body at will. Second, it claims Western imperialism has used feminism to invade and destroy Muslim societies. For example, a 1993 article, *A Look at the Origins of Cultural Invasion*, argues that:

What colonialism and its lackeys have accomplished [in the Muslim world] is the unveiling of women, along with debauchery, inappropriate [gender relations], together with foolish freedoms of the modern woman. All of these are gifts of Europe. To accomplish these deeds and to fight ethics and virtue, colonialism has used the most dangerous weapon, women. The great Prophet of Islam is said to have predicted that, "after [my death] women will be the cause of great sedition [fetnah] among men."¹¹

Press, 1991); and idem, *Gender, Modernization, and Islamization in Iran*, Gender and National Identity: Women and Politics in Muslim Societies, ed. by Valentine Moghadam (Oxford: Oxford University Press, 1994).

11 *Payam-e Zan*, vol. 2, no. 6 (Shahrivar 1372 [August/September 1993]): 10.

A 1995 article, *Feminism: A Repeat of Failed Experiences*, states that:

Feminists argue that a distinction should be made between sex for pleasure and sex for procreation, which means that they now [claim] the right to sexual pleasure. [They also believe that] birth control and a woman's right to abortion are necessary in order for women to gain sexual pleasure: The other issue ... they raise is women's readiness and willingness [for sex]. They say a husband does not have the right to enjoy his wife whenever he pleases. His wife also should be willing. Based on this argument, feminists have demanded the abolition of marriage because marriage is an obstacle to [women's] seeking pleasure.¹²

After the election of reformist President Mohammad Khatami in 1997, *Payam-e Zan* edged away from the above hard-line positions. The journal began to publish articles by leading Muslim jurists in defense of women's greater participation in society, including the right to become judges.¹³ The journal also has published articles on gender discrimination around the world. And it has condemned (together with many others in the Islamic Republic) the policies of the Taliban regime, which have forced women out of public life in Afghanistan. Nevertheless, *Payam-e Zan* remains quite conservative by contemporary standards, even within Iran.

In the late 1990s, a new generation of theologians, secular intellectuals, and feminists has called for a reform of the orthodox conservative interpretation of Shia Islam and its reconciliation with democratic principles. Human rights lawyers Mehrangiz Kar and Shirin Ebadi and feminist poet Simin Behbahani joined filmmakers Tahmineh Milani and Rakhshan Bani E'temad to challenge the numerous gender inequities in the Islamic Republic. *Zanan*, edited by Shahla Sherket, is part of this growing effort by women writers and journalists. This new generation of feminists is fighting for an end to polygny, for a woman's right to sue for divorce, her rights to retain custody of minor children and share common marriage property upon divorce, and civil liberties for both women and men. *Zanan* is a literary and cultural magazine with an explicitly feminist agenda and has regular features on divorce, sexual violence, and child custody. *Zanan* also translates articles from journals such as *Ms. Magazine* in the United States.¹⁴

In contrast, while some of the writers of *Payam-e Zan* joined the camp of Muslim feminists after the election of Khatami in 1997, the editorial board has continued to defend the chief religious authority, or faqih, 'Ali Khamenehi, who is believed to oppose such reforms. The journal has

12 *Payam-e Zan*, vol. 4, no. 1 (Farvardin 1374 [March/April 1995]): 17.

13 *Payam-e Zan*, vol. 5, no. 12 (Esfand 1375 [February/March 1997]): 4.

14 Afary, *The War Against Feminism*, p. 110.

remained equally unrelenting in its denunciations of the United States, Israel, and Western cultural values as a whole.¹⁵ Nonetheless *Payam-e Zan* is a unique source for learning about women who are in the leadership of the Islamic Republic.

Between 1992 and 2000, *Payam-e Zan* conducted a series of interviews with nearly one hundred women, including parliamentary deputies, heads of various government agencies, journalists, and other professionals who work closely with the government of the Islamic Republic. Among others, these included: Majlis (Iranian Parliament) deputy Marziyeh Dabbagh; Director of the Women's Mobilization [Basij] Organization Mohtaram Jamali; leaders of the Women's Society of the Islamic Republic such as Zahra Rahnavard and Fereshteh Irani; BIP member Ozra Ansari; Director of the Women's Bureau Shahla Habibi; Director of the Family Program for the Voice [Radio] of the Islamic Republic Simin Ahmadi; Director of the House of Zahra [an educational institute in Kashan] Fatemah Nahid; Director of the Foundation for the Martyrs of the Islamic Republic Fatemah Karubi; and various women theologians, women war veterans, mothers and sisters of veterans, village activists, teachers, and workers. Their ideological credentials are approved by the most conservative wing of the government, and annually many of them are awarded such titles as teacher or worker of the year.

The lengthy interviews sometimes appear in two to three instalments. They focus on the respondents' personal lives (parents, level of education, marriage and family) and political accomplishments. In evaluating these interviews, one should consider the fact that those who are interviewed (as well as the journalists who conducted them and the editors who published them) are constructing narratives that fit the journal's model of a proper Islamist woman. The stories often seem to embellish the women's previous religiosity and political commitment and exaggerate their economic deprivation before the Revolution. However, at the same time the interviews seem accurately to portray many personal details of the women's lives. Somewhat paradoxically, they present the respondents as active members of society, although most of whom hardly fit the image of docile and full-time mothers and housewives, the very image that the Islamic Republic has propagated during the last two decades.¹⁶

At least two distinct types of stories emerge from these interviews. They include younger respondents who, at the time of the Revolution, were in their twenties and tended to belong to urban lower middle class families. Many were the first in their families to attend colleges and universities. Members of this group joined the Islamist movement as a reaction against

15 *Payam-e Zan*, vol. 7, no. 10 (Dey 1377 [December 1998/January 1999]): 4.

16 Muhammad Muhammadi, *Majera-ye taghir-e zan dar farsi-ye avval*, Zanan vol. 8, no. 56 (1992): 2-3.

the modern and secular values they encountered at school and at work and hoped to maintain the traditional ethical values they had learned at home. The way in which they embraced conservative mores could be considered a form of “escape from freedom.” At the same time, they remained committed to an advanced education and to professional employment for women, even after the Revolution. When these students realized that the new government was unwilling or incapable of realizing their ideal notion of a just Muslim society for both men and women, some shifted their attention specifically to women’s issues. The second group is comprised of women who, at the time of the Revolution, were in their thirties and forties, and most were from more traditional or rural backgrounds. Several had entered an arranged marriage at a young age and moved to larger cities with their husband, where they were exposed to new gender relations and expectations. Joining the Islamist movement offered them social mobility, and for the truly committed, some freedom from the traditional roles of mother and housewife. These highly conservative women became political activists, lived outside their homes, and even traveled abroad without experiencing the conventional stigma of separation and divorce. Because they owed their newly found freedoms to Khomeini’s advocacy of an activist and militant Islam, many became his most ardent supporters. However, their commitment to women’s rights always remained nominal at best. They were first and foremost committed to creating an Islamist state and were interested in recruiting women in order to attain their ideological goals. Ironically, members of both groups gained their initial standing in the Islamic Republic by telling other women that their loyalty first and foremost should be to their husbands, children, and Islamic family values, something they themselves have not practiced either before or after the Revolution.

Nearly all the women interviewed by *Payam-e Zan* come across as astonishingly busy. They hold full-time jobs, are responsible for a variety of volunteer committees and organizations, and often attend graduate school. Immediately the question is raised: Who is taking care of their husbands and children while these women dedicate themselves to propagating the foundational ideology of the Islamic Republic that a woman’s first responsibility is to her husband and family? The fact is that none of them, whether single, married, or divorced is a traditional mother or housewife.¹⁷

Fereshteh Erabi, editor of the conservative women’s journal *Neda* says that she is an active member of the Central Council of the Women’s Association of the Islamic Republic. Previously, she held the position of public relations officer in the organization, and is now editor of several other publications as well. Erabi is married with three school-aged

17 Margot Badran writes of a somewhat similar phenomenon in the earlier Arab women’s journals, when, “portraits of women famous for their public achievements, undermined the press’s own cult of domesticity.” See her *Feminists, Islam, and the Nation: Gender and the Making of Modern Egypt*. (Princeton: Princeton University Press, 1995), 65.

children.¹⁸ Simin Ahmadi graduated with a degree in sociology, works at Radio Voice of the Islamic Republic, and runs its family programs. She plans to continue her education and receive an advanced degree in sociology. She is also the mother of three children.¹⁹ Tayebeh Sultani heads the House of Zahra Publicity Association. This organization offers a variety of classes in arts and Islamic education for women. Tayebeh is partly disabled. She has two children and is preparing herself to take the very difficult university entrance examinations.²⁰ Despite their hectic lives, all repeat the slogan of the hard-liners that women must not spend much of their time away from home and abandon their children to the care of others.

If the respondents are married, the magazine asked them fairly detailed questions about their daily lives and how they juggle their responsibilities to husband and family with their political commitments and organizational obligations. If the respondents are widows, and especially if the husbands are considered martyrs (either because they were killed in the Iran-Iraq War or were targets of a terrorist bombing), there is detailed discussion of their married lives before the tragedy and a close examination of the difficulties that they face raising their children alone. However, in a fair number of cases, the reporters never asked the standard questions about husband, children, and household duties. This omission suggests that the respondents very likely may be single or divorced. Yet readers never learn how these highly prominent women, who are often over thirty, negotiate their daily lives or with whom they live. Did they get a divorce, and if so, why? And why have they chosen to remain single after a divorce or even after the death of their husband? In such cases no personal questions are asked. In fact some of the women who are in leadership positions are single, divorced, or widowed. Their commitment is almost entirely to the ideological goals of the Islamic Republic, rather than to husbands and family members, but *Payam-e Zan* does not openly acknowledge this fact.

Among those who did share their personal stories, the narratives of Zahra Rahnavard and Marziyeh Dabbagh, two women prominent during the most conservative period of the Islamic Republic and members of two different generations, are particularly informative. The remainder of this paper will focus on their stories, which suggest that between rebellion against traditional patriarchal values and adherence to modern feminist ones lay many alternatives.

18 *Payam-e Zan*, vol.2, no. 3 (Mordad 1372 [July-August 1993]): 14-18.

19 *Payam-e Zan*, vol. 2, no. 5 (Mordad 1372 [July-August 1993]): 16-55.

20 *Payam-e Zan*, vol. 2, no. 5 (Mordad 1372 [July-August 1993]): 20-33.

Rahnavard and the Retreat from Modernism and Secularism

Dr. Zahra Rahnavard is married to Mir Hosain Musavi, a protégé of Khomeini in the early years of the Islamic Republic, and a former Prime Minister. She has an MA in the arts and a Ph.D. in politics. She is the author of a number of publications on art, literature, poetry, religion, and politics. Her writings have been translated into Turkish, Arabic, Urdu, and English. These include essays with titles such as, “*The Uprising of Moses*,” “*The Colonial Motives for the Unveiling of Women*,” “*The Beauty of the Veil, and the Veil of Beauty*,” “*The Philosophy of Islamic Art*,” “*Islam, Modernism, Postmodernism, and the Arts*,” and “*Women, Islam, and Feminism in Imam Khomeini’s Thought*.”²¹ Rahnavard also has held several exhibits of her artistic works. Her large sculpture, “*Mother*,” is situated prominently in the middle of a busy Tehran square.²² In January 1999 she became president of the influential al-Zahra Women’s College in Tehran (previously called Madreseh-ye Ali-ye Dokhtaran), at present the only women’s university in Iran.²³

Rahnavard was born in a religious family with Sufi inclinations and defines her life as a constant struggle between “modern and traditional” values.²⁴ She grew up in the early 1950s in a large extended family where forty to fifty relatives – uncles and aunts, nieces and nephews, parents and grandparents – all lived in one large house. Both her powerful grandmother, who headed the clan after her grandfather’s death, and her mother were intensely religious.²⁵ Orthodox Shi’ism is a religion of rituals and one’s piety is measured by one’s observance of such rituals. Rahnavard describes her grandmother as a scrupulous observer of the religious rituals of pollution and purification. She was a constant presence in their lives and insisted that the grandchildren follow her example. She also took them to visit the shrines of Shia saints: “Through religious narratives she repeated the lessons of ritual purity and cleanliness over and over.”²⁶ Rahnavard’s mother came from an artisan family. She believed that all actions on earth were preordained by God and were a daily response to the worldly sins we committed: “If my foot hit the door accidentally and hurt she would immediately ask, ‘What sin have you committed?’ She constantly reminded us of God’s punishments.”²⁷

21 For a list of Rahnavard’s publications, I am grateful to Hirmand Hassass.

22 The statue has been controversial among modern architects and artists. For a criticism, see Sima Kuban, *Tehran ers-e pedar-e kasi nist*, Ketab-e Tahrān, vol. 4 (1994): 136-37.

23 See *Payam-e Zan*, vol. 7, no. 9 Azar 1377 ([November/December 1998]): 29.

24 *Payam-e Zan*, vol. 3, no. 5 (Mordad 1373 [July/August 1994]): 5.

25 *Ibid.*, p. 6.

26 *Ibid.*

27 *Ibid.*

Rahnavard's father was a military instructor at the War Academy who was torn between his religious devotions, his tribal affiliations, and his commitment to the military and the nation. His resentment toward American military officers in Iran eventually led to his forced retirement at age forty.²⁸ He then began to give clandestine military instructions to religious dissidents who had joined the camp of Khomeini. On the maternal side, Rahnavard's family claimed to be related to Navvab Safavi (1923-56) the influential religious leader of the militant Feda'iyān-e Islam, the group responsible for the assassination of the prominent historian, Ahmad Kasravi, in 1946. The Feda'iyān-e Islam also opposed many of the cultural innovations associated with modernity in the 1940s and the 1950s.²⁹

A very bright student who ranked first in her classes, Rahnavard was like many others introduced to an underground stream of Existentialist and Marxist literature in high school in the 1960s. She claims that, "except for Marx's *Capital* I have read nearly all other works by Marx and Engels."³⁰ She also became interested in psychology and the arts. Rahnavard had great trouble, however, reconciling her new found political and philosophical interests with her religious commitments and artistic inclinations. The democratic principles of a modern society, plurality of organizations, of newspapers, and of institutions were appropriate goals to her. But Rahnavard could not accept the alternative value system that modernity brought about. "Like two edges of a pair of scissors, Marxism and Modernism had declared a war against traditions and Islam."³¹ What she particularly abhorred in modernity was the rejection of religious rituals and traditions and the advocacy of "sexual and moral freedoms":

The modernization that the Shah and his American masters had planned for Iran involved opposition to religion, the elimination of beautiful Islamic and national symbols, an emphasis on appearance and frivolity, Westernization, and sexual and ethical freedoms. Alongside such cultural goals, the political autocracy, dependent capitalism, the lack of political parties, the chaos in the government continued. Despite the efforts of many authentic [Muslim] families, this modernization was infecting families and corrupting the young generation.³²

28 Ibid., p. 5.

29 See further Ervand Abrahamian, *Iran Between Two Revolutions* (Princeton University Press, 1982), p. 258.

30 *Payam-e Zan*, vol. 3, no. 5 (Mordad 1373 [July/August 1994]): 7.

31 Ibid., p. 8.

32 Ibid.

By her own account, Rahnavard did not find much support for her views among her high school teachers and college professors; as a result, she felt even more isolated. The progressive teachers of her high school in the 1960s, many of whom also had leftist sympathies, encouraged her greater political awareness, but frowned upon her religious explanations of events and insisted that she abandon what they considered to be her irrational, simple, and mystical beliefs.³³ She reports that at the Teachers' Training College of Tehran, one of her teachers accused Muslims who participated in the annual pilgrimage to Mecca and circled the shrine of the Ka'bah of actually being "idol" worshippers, something severely proscribed by Islam.³⁴

Iranian society had experienced a period of greater political freedom from 1941 to 1953. A number of liberal and left-wing political parties, such as the social democratic National Front or the pro-Soviet Tudeh Party were formed in this period and attracted tens of thousands of young students to their ranks. After the progressive nationalist government of Dr. Mohammad Mosadeq was overthrown in a U.S.-British orchestrated coup in August 1953, the reinstated Mohammad Reza Shah Pahlavi banned political parties and set up an extremely authoritarian political system. Many left-wing and liberal activists of the 1940s, however, had become teachers and professors by the 1960s and 1970s. They continued to express a fervent belief in social and scientific progress and an equally passionate opposition to Western imperialism, aimed especially at the United States. Rahnavard was attracted to these left-wing ideologies and began to explore the class contradictions of Iranian society. As a teacher, she was particularly appalled by the impoverished lives of her young students, whose parents often were unemployed and addicted to drugs. At the same time, however, she could not accept the secular perspectives of her own professors, or many of her college classmates at the Teachers' Training College and was convinced that they had been "brainwashed" by the government and by the West. When Rahnavard began to politicize her young students against the U.S. backed government, she was fired from her teaching job; authorities accused her of mental instability.³⁵

Out of a job, and unwilling to marry immediately, Rahnavard decided to pursue graduate studies in Islamic Arts. Tehran University in the early 1970s was a hotbed of left-wing ideologies, ranging from Existentialism to various forms of Marxism, such as pro-Soviet Communism and Maoism. The overthrow of Mosadeq in 1953, the US war in Vietnam, and the 1967 Arab-Israeli War, all helped produce a new generation of left-wing

33 Ibid.

34 Ibid., p. 10.

35 Ibid.

intellectuals who were highly critical of the West. They attacked not only Western political and economic domination, but also Western cultural values. An exception, however, was the Art Department, which was supported by Empress Farah Diba and received substantial funding from the government for projects aimed at modernizing Iranian art. According to Rahnavard, "It was one of the Shah's greatest investments. [He hoped] to train a new generation [of artists] who could revamp the art and culture of this nation and defile it with cultural colonialism."³⁶ During these years Rahnavard studied art history, exhibited her works, became involved in the student movement, and joined clandestine left-wing groups. However, she defines these years as some of the "bleakest" and loneliest ones of her life, calling them her "period of annihilation," and suggests that, once the religious scaffolding of her thinking cracked, she was no longer capable of making any sense of her world. Good and bad, proper and improper, sin and virtue, all became one big muddle:

I was like a speck of dust floating between the sky and the earth ... Nothing seemed to be in its proper place. An unrelenting earthquake, spewing tormenting verses everywhere ... if someone, in describing an event, said that such and such an incident was good, I would be baffled by their ability to judge. Good and bad were ambiguous terms to me. I would ask, 'by what measure is it good or bad' and my friends would laugh at me... I only had one clear classification in my mind. Based on my old teachings in the family I divided all events and things into two types: Worldly and Godly. Foods, objects, colors, accidents, people, shapes, even times of the day, clothing, directions, were either of a material, worldly nature or of a godly nature.³⁷

Rahnavard, who was brought up in a strict religious environment, where everything and everyone had its proper place, had entered a new phase of her life. She was being influenced by her teachers and her more modernist classmates to abandon some of her basic religious beliefs, re-evaluate others, and develop a new secular concept of ethics that was in more harmony with the expectations of a modern world. Unable to do so, she initially withdrew into herself and her studies, while her sense of isolation from others intensified. Eventually, she turned to religious studies. By the late 1960s, Rahnavard had found a group of like-minded friends, both inside and outside the university, and had become an Islamist political activist. In 1969, she married Mir Hussein Musavi, who shared her strong religious devotion and criticism of Western cultural values: "I thought he was a godly person whose eyes were focused on the heavenly horizon.

36 Ibid., p. 11.

37 Ibid.

There was something in him other than materiality.”³⁸ They married in a very simple ceremony. She wore no wedding gown and there was no customary feast for friends: “We were not happy. How could one be happy when the fully armed government tortured the youth?” It was “just the union of two people who were moving in the same [political] direction,” a struggle to the point of “martyrdom.”³⁹ In this description of her marriage, she, therefore, plays down any sexual or emotional feelings and also the fact that this was a non-traditional marriage, hardly arranged.

Eventually, Rahnavard joined the circle of Ali Shariati, the Sorbonne-educated Muslim theologian, whose lectures at the Hoseiniyeh Ershad Theological Seminary, as well as his publications, helped to galvanize a new generation of students. Shariati called for a revolutionary interpretation of Shi’ism, one that was based on social justice and concern for others. He advised the acceptance of Western technology and science, but rejected much of the rest of Western culture, particularly its sexual mores.⁴⁰ In the early 1970s, Rahnavard began to teach art to women at the Hoseiniyeh Ershad. By 1974, Rahnavard had organized an Islamist art exhibit at the Hoseiniyeh Ershad, was running a study group in which students read Shia religious texts, and had published two small books, *The Migration of Joseph* and *The Uprising of Moses*. During these years, when Rahnavard maintained an active political life, her mother helped raise her two small children. When the government cracked down on Shariati’s Seminary, Rahnavard, who was known as one of the first Islamist woman writers to challenge the Pahlavi regime, fled abroad with her children.⁴¹ In 1976, she joined the left-wing Confederation of Iranian Students in the United States. In 1977, when the Confederation splintered into various subgroups, Rahnavard sided with the Islamist wing. She returned to Iran shortly before the Revolution and through Musavi’s personal acquaintances, joined the circle of Khomeini supporters.⁴²

Erich Fromm had turned to Dostoyevsky’s *The Brothers Karamazov* to express a common human sentiment, wherein a person has “no more pressing need than the one to find someone to whom he can surrender, as quickly as possible, that gift of freedom which, he, the

38 Ibid.

39 Ibid.

40 Ali Shariati, *What is to be Done?* edited by Farhang Rajaee (Houston: Institute for Research and Islamic Studies, 1986).

41 Zahra Rahnavard, *Safar be diyar-e zanan-e botparast* (Tehran: Soroush Publications, 1987), p. 31.

42 Thanks to Dr. Akbar Mahdi for information on Rahnavard’s activities in the United States in 1976-77.

unfortunate creature was born with.”⁴³ Eliminating the self-reduced burden of freedom. Fromm argued that, for some individuals, “moral aloneness” and “lack of relatedness to values, symbols, and patterns” were as “intolerable as psychical aloneness.” As a result, human beings turned to “religion or nationalism for refuge from what man most dreads: isolation.”⁴⁴ Likewise a generation of Iranian students (though not all) willingly placed their fate, and that of their nation, in Khomeini’s hands. The radical intellectual rupture with modernity and the task of rebuilding Iran after the Shah’s departure were simply awesome projects. Many unquestioningly followed Khomeini’s leadership, claiming he could build an entirely different society by returning to traditional religious values and breaking decisively with the cultural legacy of the West.

As a young urban Iranian woman who lived in Iran in the 1970s, I also remember the intense sense of alienation that my classmates and I experienced. The new reforms in education, health, and hygiene, the possibility of attending college and delaying marriage, and the new mass media that exposed us to the more open gender roles of the West, all alerted us to new social and economic choices available to women. These changes had begun to redefine gender relations, family values, and the whole concept of sexual morality. Rahnavard belonged to this generation of Iranian women who attended modern schools, went to the university, and lived a life that seemed to offer many new choices, certainly more than those available to her mother and grandmother. By becoming a political activist in the Islamist movement, Rahnavard found a compromise solution. She retained many of the old ethical principals, without abandoning her desire for new ones, such as an advanced education or professional and economic progress for women.

Marziyeh Dabbagh: Escape from Tradition Through Militant Shi’ism

In contrast to Rahnavard, Marziyeh Hadidchi Dabbagh belongs to an older generation of women who became politically active years after marriage. Although she does not acknowledge it, her activism allowed her to break through the limitations of tradition and channel her energy and creativity into new directions. In the process, Dabbagh crafted a very different identity for herself, though she seemed to have convinced herself and others that it was all for the sake of Khomeini and Islam, rather than any autonomy developed on her part.

43 Quoted in Neil McLaughlin, *Nazism, Nationalism, and the Sociology of Emotions: Escape from Freedom Revisited*, Sociological Theory, vol. 14, no. 3 (1996): 249.

44 Ibid.

Dabbagh was a confidante of Khomeini in Paris in 1978 and also served as one of his bodyguards. She participated in the Iran-Iraq War (1981-1988), serving as a military commander on the battleground. She later served four terms in the Majlis until 2000. In the late 1980s she went to Moscow, as part of a delegation to negotiate with Mikhail Gorbachev. For much of the last two decades, she has headed the Islamist Women's Society, which is affiliated with the government.⁴⁵

Dabbagh, was raised in a very strict and traditional family in the western city of Hamadan in the early 1940s. Her father was a small bookseller who also taught ethics. Unlike Rahnavard, who married a comrade while she was in graduate school studying the arts, Dabbagh experienced an arranged marriage at age 13. The couple soon moved to Tehran, a turning point in her life where her social isolation increased. In her interviews, Dabbagh remembers these difficult years in the late 1950s after she had moved to Tehran and speaks of the great sense of injustice she felt:

Why shouldn't girls study? Why shouldn't they choose their own husbands? There were many other questions, for none of which I had an answer. I had to find answers to my questions, to understand who brought about this cruelty, injustice, and discrimination against women, to learn how the distinction between me, as a "woman" and the other sex, "man" was created. I had many discussions with my husband. He said, "I don't know the answers; you should talk to someone who knows. It is best that you study theology because all comes from the Qur'an, the Tradition, and the rules of Islam."⁴⁶

Seemingly, Dabbagh wanted to know why she had been deprived of a higher education, a chance to select her own husband, and perhaps even an opportunity for a professional career, while many other women she met in Tehran were not so deprived. She was questioning the theological reasons for gender subordination in her own life. Her husband's permission provided her with a way out of her highly troubled life. She could now leave the house for weekly lessons with a male theologian, Haji Ali Khavansari. Still, she remembers, something was sorely "missing" in her life: "Though I was studying I still had not found the one I was missing (gomshodeham)." In 1963, Ayatollah Khomeini was placed under house arrest because of his opposition to the shah's reform program, the so-called "White Revolution."⁴⁷ At this point, Dabbagh decided to join the circle of

45 *Payam-e Zan*, vol.1, no.11 (Bahman 1371 [January-February 1993]): 22.

46 *Ibid.*, pp. 21-22.

47 For details of this period see Nikki R. Keddie, *Roots of Revolution: An Interpretive History of Modern Iran*, (New Haven: Yale University Press, 1981); Abrahamian, *Iran: Between Two Revolutions*; Eric Hooglund, *Land and Revolution in Iran*, (Austin: University of Texas Press, 1982); and Shaul Bakhash, *The Religion of the Ayatollahs*, (New York: Basic Books, 1990).

Khomeini, where she could learn more about his militant interpretation of Shi'ism.

By her account, from the moment she first glanced at Khomeini, he became the very center of her life. This was the religious figure she had once seen in her dreams, the one she was missing.⁴⁸ Now, Dabbagh's only wish was to join Khomeini's circle of close comrades. But how did this highly traditional woman, the mother of four children and a housewife, free herself from her numerous familial obligations to accomplish such a task? She writes that on the way back from her first visit with Khomeini she cried the entire way. Soon she became severely depressed and ill from her strong desire to follow the path of Khomeini. After seeing Khomeini only once, she claims:

I was crying, I was no longer calm. I was distraught in a way that my entire life was disturbed. For three or four months that was all I did. I cried. I was ill. I couldn't eat. During my illness, I kept asking my husband to sell our house and belongings so we could move to Qom, so that I might be a maid in the house of Aqa [Khomeini], to see him once a day, to ask him my difficult questions. In fact, when Khomeini was exiled [to Iraq] not much later, I truly became ill. For about 42 or 43 days I was unconscious.⁴⁹

After her recovery, Dabbagh continued to plead with her husband to move to the city of Qom to enable her at least to be near some of Khomeini's comrades and supporters. Her husband did not agree to this but eventually allowed her to join a study group in Tehran that was sponsored by a protégé of Khomeini known as Ayatullah Sa'idi.⁵⁰ Dabbagh and sixteen other women with similar inclinations met at the back of a nearby mosque for private lessons. There was now a guiding principle in her life. She recounts that she no longer experienced her periodic "Satanic temptations" such as the desire for "buying a dress, going on a trip, or having a dinner party."⁵¹

By 1967 Dabbagh had proved herself the most dedicated member of the group and was groomed for the next stage of the movement, becoming an underground revolutionary. Her new assignment was to travel to small and large cities and lecture among women, in order to gain new adherents for Khomeini. But in order to avoid the dreaded Savak, and find a way into urban military circles, where she looked for new recruits to the Islamist cause, Dabbagh needed to change her

48 *Payam-e Zan*, vol. 1, no. 11 (Bahman 1371 [January-February 1993]): 24.

49 *Ibid.*

50 *Ibid.*; Sa'idi later was arrested by the secret police, known as Savak, and died under torture.

51 *Payam-e Zan*, vol. 1, no. 11 (Bahman 1371 [January-February 1993]): 24.

traditional appearance. She had to look like a modern woman and she had to drive a car. But how could she drive a car when Khomeini explicitly had recommended against women's driving? The solution was very simple and was suggested by Khomeini himself. In the Shia tradition of Islam it is incumbent on each believer to follow a living religious scholar as a marja'taqlid (source of imitation) and to receive guidance from him on all difficult matters of life. But one can choose to change the marja' one follows and select another. Khomeini, through one of his disciples who trained Marziyeh, advised her "to find another marja [one who did not object to women's driving], and to ask for his permission to learn [driving]; there would be no problem."⁵² He thereby taught her how to circumvent the technicality of ignoring his own rulings on this matter. And how was Dabbagh to learn driving from a strange, unrelated man? Again, this was very simple, since Shi'ism, as a pragmatic religion, has a solution for such a problem as well. Dabbagh would arrange a non-consummated temporary marriage between the driver and a close relative, whereupon the driver became mahram (related) and she could take lessons from him.⁵³ Finally, she had to change her appearance. She took up multiple identities for different lectures, pretending sometimes to be the wife of a nonexistent engineer.⁵⁴ In this way she was able to work within the military circles, among a group of officers' wives. Dabbagh's transformation shows that for the good of the cause almost anything was possible and acceptable. At the same time that Khomeini was criticizing the advocates of women's rights for wearing Western clothes, for driving cars, for mingling with men, unrelated to them by birth or marriage, and blaming the government for encouraging such "immoral" acts, his close follower Dabbagh was doing all this and much more. Yet because her actions were for the greater cause of bringing about an Islamist revolution, she was encouraged, rather than reprimanded.

In 1972, the Savak arrested Dabbagh, who then was in her thirties, and severely tortured her.⁵⁵ After a second detention, when her health clearly began to fail, Savak officers decided to release her. It was not politically prudent to have a mother of eight (seven girls and a boy by this time) martyred in the Shah's prisons. Soon Dabbagh left Iran for Europe; she traveled to England and France where she participated in hunger strikes on behalf of Iranian prisoners. She went to Saudi Arabia and distributed Khomeini's clandestine fliers among Muslim pilgrims in Mecca. In Syria, she helped set up a military camp where anti-Shah combatants

52 Ibid.

53 Ibid.; for more details on such practices, see Shahla Haeri, *Law of Desire: Temporary Marriage in Shi'i Iran* (Syracuse University Press, 1989).

54 *Payam-e Zan*, vol. 1, no. 11 (Bahman 1371 [January-February 1993]): 25.

55 Ibid., pp. 25-26.

were trained. With the help of dissident Shia cleric Imam Musa Sadr, a Palestinian commando (Abu-Jihad), and the activist Dr. Mustafa Chamran, Dabbagh trained a new generation of young Iranian combatants in paramilitary tactics. She recounts that “after completion of guerrilla and destruction tactics” they secretly were sent back to Iran via the Persian Gulf, often armed with explosives.⁵⁶ During these years, her parents and her married oldest daughter raised her children. Dabbagh tells us that her husband, who was supportive of her political activities, played only a nominal role in the life of the children. He held a job in the southern city of Ahwaz, away from the family, and visited only every two or three months. Thus, in effect, neither the mother nor the father of Dabbagh’s children was living with them in the seven years before the Revolution.⁵⁷

In 1978, after Khomeini was expelled from Iraq and went to France, Dabbagh finally got her wish. She joined him in Paris and became his close advisor, bodyguard, and housekeeper. Dabbagh, who had adored Khomeini for much of her adult life, remembered a special night in Paris as the best memory of her life:

The best and the most beautiful night of my life was the night I entered the house of the Imam [in France] and I was given the responsibility of running it. I truly could not go to sleep until morning; I kept saying to myself, ‘Marziyeh, is it you? Could it be that God had been so kind as to place on your shoulders the responsibility of being a slave [keniz] at the house of the Imam?’ After performing my prayers I was sitting and thinking when I heard the rattling of tea glasses in the kitchen. I quickly went to the kitchen and saw that the Great Imam had brewed tea. He had placed a tea glass and a saucer in a tray and with his blessed hands was carrying it to his room. I said, ‘Haji Aqa, why you?’ He said, ‘I wanted to lend a hand to my wife.’ I took the tray from his hands and carried it myself to the room. I will never forget this memory.⁵⁸

Dabbagh, the revolutionary woman who left her husband and children to the care of her parents and her older daughter, who lived a clandestine life for years, and who travelled abroad to train commandos, has two passionate memories in her life: the night in 1963 when she first dreamt of Khomeini and received her “calling,” and the night in 1978 when she exchanged common words with him in a Paris kitchen. Even years after his death, the adoring sentiments that Dabbagh expresses toward Khomeini are very similar to what Fromm terms the authoritarian character. As noted earlier, Fromm speaks of a desire for total submission as an

56 Ibid., p. 28.

57 Ibid.

58 Ibid., p. 75.

underlying principle of the Nazi ideology and its adherents. Followers were told repeatedly that “the individual is nothing and does not count. The individual should accept his personal insignificance, dissolve himself in a higher power, and then feel proud in the strength and glory of this higher power.” Their idealism should lead them to willingly become a “dust particle” in this higher order.⁵⁹ Dabbagh expresses this same desire for total annihilation in morbid terms, “I always wished someone cut me up and made a carpet of me for under his feet. My feelings about him were the same until his death and will always remain the same. I wish we died and he lived and led society.”⁶⁰

The Islamic Republic, Twenty Years Later

Both Rahnavard and Dabbagh held important positions in Iran, and both headed women’s organizations. Despite their similarities, in many ways they represent a dichotomy that exists in the leadership of the Islamic Republic and has manifested itself more clearly since Mohammad Khatami was first elected president in 1997. Rahnavard and other highly educated Islamist women, for example, had hoped that their early devotion to the Revolution would assure them leadership roles in the post-revolutionary society. Soon after the Revolution, Rahnavard became a founder of the Women’s Society of the Islamic Republic (WSIR), along with Azam Taleqani (daughter of Ayatollah Mahmoud Taleqani), and also a founder of the Islamist Women’s Society. She was an editor of *Rah-e Zaynab*, a popular women’s journal that before the Revolution was called *Ettela’at-e Banuan* [Women’s News]. But when WSIR criticized the hard-liners within the government because of their policy of forced Islamization, including the mandatory observance of hijab by women and girls, the government clamped down on her and other Islamist advocates of women’s rights; Islamic Republican Party (IRP) supporters attacked chapters of the WSIR in Tehran and several other cities in May 1981.⁶¹ More orthodox members of the (IRP), such as Dabbagh, were given greater authority in women’s affairs. These were women whose primary dedication was directly to Khomeini. They mobilized women in his service and for the Islamist movement, rather than for women’s issues.

59 Fromm, *Escape from Freedom*, p. 231.

60 *Payam-e Zan*, vol. 1, no. 11 (Bahman 1371 [January/February 1993]): 74.

61 Parvin Paydar, *Women and the Political Process in Twentieth-Century Iran* (Cambridge: Cambridge University Press, 1995), pp. 240-241; and *Payam-e Zan*, vol. 3, no. 6 (Shahrivar 1374 [August/September 1995]): 4.

It took over a decade before Rahnavard's embrace of a few feminist concerns matched her political leadership in women's organizations. In the first decade after the Revolution, she used her considerable oratorical skills and talents as writer to propagate Islamist values in Iran and abroad. In one of her best-known publications, a travelogue she wrote during her state visit to India in 1986 (when her husband was prime minister), her polemics against Hinduism, Western feminism, and more liberal interpretations of Islam show her intolerance toward other competing ideologies and religious perspectives.⁶² Rahnavard is concerned with the plight of India's Muslims and the abuses that the Hindu upper-caste population has visited on Muslims and lower caste Hindus. Rahnavard also speaks of the plight of Indian women. One finds scattered references to "dowry burnings," when wives who have not brought enough dowry to their husband's house "accidentally" catch fire in the kitchen and die. All of this could have made her a strong advocate of women's rights. One could argue that by calling attention to the plight of Indian women, she also is implicitly criticizing the violence against women in Muslim societies. But one quickly realizes that she does not develop a parallel understanding between the abuses that women and Muslims face in Hindu India, and those that dissident Muslim women and non-Muslim minorities face in Iran. Rahnavard can see the prejudices of Hindus toward Muslims in India, but she cannot see the prejudices of Shia Muslims toward secular Muslims, Sunni Muslims, Zoroastrians, Jews, Armenians, and especially the intensely persecuted Baha'is of Iran. Instead, she unleashes a heap of contempt and scorn on the Baha'is, "the misguided faction."⁶³

Rahnavard's compassion toward Hindu women of India is channelled into the injunction that "all Indian women should convert collectively to Islam" to save themselves from the sexism of the Hindu culture.⁶⁴ Nor is there any compassion for dissident Iranian women (often Muslim) whom she meets in India, women who chose a difficult life in exile in order to receive a better education or to avoid segregation and social confinement in the Islamic Republic. By this date, i.e. 1986, Rahnavard expresses some anxiety about repression in the Islamic Republic, but she seems to be more appalled by the more moderate Muslims she visits in India, people who reject her militant appeals or politely ignore her.⁶⁵ Rahnavard's highly ideological position on women's issues and the wide gulf that

62 Zahra Rahnavard, *Safar be diyar-e zanan-e botparast*.

63 Ibid., p. 21 ff. For presentation of Iran's non-Muslims, especially Baha'is, see Janet Afary and Reza Afshari, ed. *Non-Muslim Communities of Iran*. Special issue of *Iran Nameh*, vol. 19, nos. 1-2 (Winter-Spring 2001).

64 Ibid., p. 27.

65 Ibid., p. 88.

divides her from many Muslim Middle Eastern feminists can be seen in her reaction to the well-known case of Shahbanoo, a highly contentious divorce that made international headlines in 1980. Shahbanoo was a sixty-five year old Muslim woman in India whose husband, a wealthy lawyer, had repudiated her after forty years of marriage and left her only the three month and ten days maintenance (nafaqeh) that the Qur'an requires for divorced women. Shahbanoo took her case to the civil courts and in 1985 won a judgement against her husband. However, the decision of the court added fuel to the already existing animosity between Muslim and Hindu communities of India. Eventually Rajiv Gandhi, president of India, intervened; the decision was overturned, Shahbanoo retreated, and women's rights were sacrificed to smooth over ethnic and nationalist hostilities.⁶⁶ Rahnavard expresses some sympathy for Shahbanoo but she does not ask for a reform of Muslim family laws. Instead she argues that Shahbanoo's request for life-time alimony from her wealthy husband was "against the explicit text of Islam and an affront to the holy laws of Islam that limit the period in which a woman can receive an alimony."⁶⁷ Her loyalty to the Islamic Republic and her absolute commitment to Islamic law prevented her from showing support for women who suffer from the limitations of the same laws, be they in Iran or abroad.

Over the past twenty years, and despite family responsibilities, Rahnavard has remained active in politics and has not limited her involvement to household duties. She founded the International Association of Muslim Women and was director of the Cultural and Social Association of Women, a branch of the Ministry of Science. She published several more books and held exhibits of her art works. Rahnavard admits that her husband, the former prime minister, helps with the housework, and that he is basically in charge of their daughters' affairs, leaving her to pursue her intellectual and social interests.⁶⁸ In 1999 her oldest daughter was in graduate school studying nuclear medicine, the second one was graduating with an MA in the arts, and the youngest one was in high school.⁶⁹

Since 1997, Rahnavard has adopted a more progressive stance on certain women's issues, even if she continues to insist that the West

66 For summaries of the issue, see Zakia Pathak and Rajeswari Sunder RajanRajan, "Shahbanoo," *Signs*, vol. 14, no. 3 (1989): 558-81; and Nadita Haksar and Anju Singh, *Demystification of Law for Women* (New Delhi: Lancer Press, 1986). On how Shahbanoo's case fueled the Hindus' campaign against the Babri Mosque, see Nikki R. Keddie, *The New Religious Politics and Women Worldwide*, *Journal of Women's History*, vol. 10, no. 4 (Winter 1999): 18.

67 Rahnavard, *Safar*, p. 82.

68 Mir-Hosain Musavi, Rahnavard's husband, was criticized while he was prime minister because of her pre-revolutionary conduct; pictures of her dressed in a miniskirt were reprinted in order to discredit him. Information from Azar Nafisi, personal communication, 2000.

69 Hirmand Hassas, personal communication, 1999.

commodifies women, while “true Islam” does not. In one of her latest interviews with the feminist journal *Zanan*, she complained that Iranian women are treated as the “second sex,” presumably a reference to Simone de Beauvoir’s book by the same title. She now asks for laws to punish sexual abuse, rape, and murder of women by male relatives. She speaks out against wife battery, demands that women be given custody of their children after divorce, and celebrates the fact that in 1998 a majority of those who were admitted to the universities (52.1 percent) were women.⁷⁰ Seemingly, her views have undergone a significant change.

Dabbagh had a more prominent career after the Revolution. She took over the Queen Mother’s Volvo, thus symbolically anointing herself Mother of the Revolution, and immediately became involved in repression of the opponents of the new theocracy. She joined the Pasdaran paramilitary group and took an active role in destroying all rival organizations, from the Kurdish Komeleh and Democrat parties to the secret cells of the leftist People’s Feda’iyan and the left Islamist People’s Mojahedin organizations.⁷¹ She was a founder of the Women’s Auxiliary branch of the Basij (Mobilization), a volunteer militia of mostly young men and boys who are recruited to defend the values of the Revolution against external and internal enemies. Dabbagh’s women’s organization helped recruit these youth and provided them with food and other basic necessities. Dabbagh also is proud that through her efforts scores of Islamist mothers and sisters betrayed their sons and daughters, sisters and brothers, who had joined rival political organizations, such as the People’s Mojahedin and the People’s Feda’iyan.⁷² On this activity, she said:

We were able to gather these women from various communities and set up classes for religious discussions for them in the Mosque. In this way we turned them into loyal informants. I asked them to report to us immediately when men in their family held meetings or invited [strangers] to the home. I remember one night that six group homes [of presumably the Feda’iyan or Mojahedin dissidents] were revealed to us by the mothers and sisters of the [activists] themselves. Our troops circled the houses and destroyed them. It was a very successful experience that later was repeated in other provinces.⁷³

In addition to serving as Majlis deputy for four terms, Dabbagh headed the conservative Islamist Women’s Society of the Islamic Republic, the same organization that Rahnavard and the younger generation of women originally had founded. In the parliament and as leader of this association,

70 *Zanan*, vol. 7, no. 51 (Farvardin 1378 [March/April 1999]): 9.

71 *Payam-e Zan*, vol. 2, no. 3 (Khordad 1372 [May-June 1993]): 7 and 11-12.

72 *Ibid.*, p. 74.

73 *Ibid.*, p. 13.

Dabbagh proposed several laws related to women such as legal child custody rights for wives of martyrs (a right that under Islamic law is allocated to the paternal grandfather), and certain benefits for part-time female employees.⁷⁴ But her main concern has remained the defense of Khomeini's legacy and the Islamic Republic to the outside world. In 1995, after the British Parliament published a human rights report on Iran that emphasized the status of Iranian women as second-class citizens, Dabbagh claimed that as a military officer and active participant in the Revolution she had "never felt that women were behind men in achieving social positions;" she scoffed at reports of extensive domestic violence in Iran and argued that "unlike Western women, Iranian women are at the center of activity and decision making in the family." Nor, like their Western sisters, she added, are they "obligated to work for a living like men do."⁷⁵ Two years earlier, however, she had complained publicly about the lack of respect toward her and other women in the Majlis and expressed her frustration that for many deputies, women's issues were limited to "cooking, washing clothes, and sweeping."⁷⁶

Dabbagh's commitment to the ideological legacy of Khomeini is also evident in her private life. In the years before the Revolution, she pulled her daughters out of high school because Khomeini had recommended against male teachers in girls' high schools: "Several of my daughters received their diploma after the Revolution... since Imam [Khomeini] had issued a fatwa [that warned us] about the sanctity of education when the teachers were male. Based on that fatwa I did not allow [my daughters] to continue their education"⁷⁷ after ninth grade. Only after the revolution did she allow her younger daughters to finish high school.

Recent reports from Iran suggest that Dabbagh, who was not elected to the reformist Sixth Majlis, has gone into "retirement." She has made few public appearances. Evidently, she has not made the transition that Rahnavard has made by becoming more supportive of feminist concerns, and backing the reform movement.⁷⁸

Conclusion:

The differences between Rahnavard and Dabbagh help us to gain a more intimate view of the current conflicts within the leadership of the Islamic

74 *Zan-e Ruz*, vol. 26 (Khordad 1375 [May/June 1996]): 8.

75 *Payam-e Zan*, vol. 3, no. 13 (Esfand 1373 [February/March 1995]): 26. For further information about domestic violence in Iran, see Mehrangiz Kar, *Khoshunat `aleyheh zanan dar Iran* (Tehran: Roshangaran va mutale'at-e zanan, 2000).

76 *Payam-e Zan*, vol. 2, no. 3 (Khordad 1372 [May/June 1993]): 10.

77 *Idem*, vol. 1, no. 11, (Bahman 1371 [January-February 1992]): 75.

78 *Idem*, vol. 3, no. 12, (Esfand 1373 [February-March 1995]): 26.

Republic and the complicated question of who is an advocate of women's rights. By joining the Islamist movement, Dabbagh was able to break through numerous obstacles that bind women in traditional marriages in Iran. Her absolute submission to Khomeini allowed her to exercise absolute power over many others. She owes her very existence as a political leader to the Islamist ideology of Khomeini (rather than to her education, creative accomplishments, political affiliations, or class background) and is committed to preserving it at all cost. However, Dabbagh actually prides herself on being a defender of women's greater role in society. She opposed gender segregation during the war, supported unsuccessful bills in the Majlis that would have limited the husbands uncontested right to divorce and custody of the children.⁷⁹ Dabbagh speaks well of her husband, who encouraged her political activities and is very angry with other men who prevent their wives, including highly educated ones, from holding socially responsible jobs.⁸⁰ Dabbagh even refers to many examples of sexism in the Majlis, such as the time when, despite her considerable expertise in military matters, she was excluded from the Defense Commission only because she was a woman, while men who had no military experience were selected.⁸¹

None of these pronouncements or actions, however, makes her a feminist or an individual with compassion for human rights, because the only reason Dabbagh wants women out of the house and involved in society and politics is for them to contribute to her version of a militant Islamist society. She remains a sworn enemy of any woman – feminist, leftist, or secular – who suggests that a woman's education and employment should bring about her emancipation, give her the choice to decide what to do with her life. In her view women are to be liberated from traditional life styles only to become soldiers and martyrs for the cause of Islamization. Those who argue against this position and demand choice, including the right to live under a more secular state, deserve nothing but death.

But what about Rahnavard? She was a budding intellectual and an artist who gave up the life of a modern woman to join the Islamist Revolution, hoping to improve the lives of poor women by abandoning the cultural imperialism of the West. Since the Revolution, Rahnavard has witnessed many new restrictions affecting the lives of her three daughters. Despite her continuing avowals of support for Khomeini, her recent interviews suggest that she is re-examining some of her earlier perspectives. However, she is still quite uncomfortable with the Western model of gender relations, ostensibly because it includes women's bodily

79 *Idem*, vol. 2, no. 3 (Khordad 1372 [May/June 1993]): 10.

80 *Idem*, vol. 2, no. 6 (Shahrivar 1372 [August/September 1993]): 17.

81 *Idem*, vol. 2, no. 3 (Khordad 1372 [May-June 1993]): 9.

and sexual freedoms, and not just social and political ones. Her young educated daughters are expected to observe strict hijab and this very act seems to convince her that the younger generation has not completely sold out to the West.⁸² But how far would she go today? Would she allow, for example, young women, including her young daughters, the freedom to challenge and reject her Islamist principles? Can they choose not to wear the veil? Can they advocate secular marriage and divorce laws? Would Rahnavard be able to overcome her own intense religious prejudices and allow, for example, the Baha'is to practice their religion, or secular Muslims not to do so? These are not hypothetical questions, since a new generation of Iranian feminists, including many children of the Revolution, is asking precisely such questions.

The intellectual accomplishments of the new generation of feminists in Iran cannot be underestimated even though it has yet to result in any significant political transformations due to the hostility of the conservative wing of the government to the reformers. Supporters of women's rights have criticized the lack of civil liberties under the Islamic Republic and have demanded a rewriting of the constitution. In the year 2000, they helped prevent the re-election of many conservative deputies to the Sixth Majlis, and in June 2001 they re-elected Khatami, giving him 76 percent of the total vote. The liberal religious thinkers such as Mujtahid Shabastari have condemned the narrow legalistic reading of Islamic texts and called for a more tolerant interpretation of Shia Islam. Despite numerous obstacles, the educational and artistic accomplishments of Iranian women have been outstanding in the last decade. The field of women's studies gradually has found its way into the universities and into woman's magazines and newspapers. In a steady stream of articles, writers, historians, and major political figures of the twentieth century are being questioned for their lack of concern or limited perspectives on gender issues. There is even a heated debate on cultural particularism and universalism, and an attempt to adopt the best arguments from both sides.⁸³

In 1979, Rahnavard and Dabbagh became guardians of the Islamic Republic and upholders of its conservative morality by denouncing the moderate gains that urban middle class and upper class women had made during the royalist Pahlavi era. Both Dabbagh and Rahnavard also helped to silence a generation of secular and left-wing activist women who had participated in the revolution yet faced a dramatic setback in women's rights once the Islamic Republic was instituted. By becoming leaders of the conservative Islamist movement, Rahnavard, Dabbagh, and other Islamist women gained a remarkable degree of political and even personal freedom

82 Idem, vol. 3, no. 6 (Shahrivar 1373 [August/September 1994]): 4.

83 See further Afary *Bar amadan az Zolmat*, pp. 194-219.

in their own lives. Ironically, the very success of the Islamic Republic in forcing a repressive traditional society upon a new generation of youth has also robbed the government of its most important source of support. The fact is that the highly alienated, anti-modernist generation of 1979 cannot be recreated under the Islamist theocracy. Dabbagh is a great deal more conservative than Rahnavard, who has sided with the reformist government of Khatami. Neither, however, is open toward some of the new discourses we find in the new generation. The new feminists, who write for journals such as *Zanan* (Women), *Hoquq-i Zan* (Woman's Rights) and *Jens-e Dovvom* (The Second Sex), regard themselves as part of the global feminist movement. They belong to a wide political spectrum and no longer speak of organizing women for the purposes of their respective (male) political parties. Their focus has shifted to a woman's right to choose her own life style (including the right not to wear the veil). The new feminists, with their insistence on a more secular government and opposition to the Islamist structure, tacitly recognize the rights of less religious, non-religious, and non-Muslim minorities as equal citizens of the state. Finally, the student activists, and other advocates of civil liberties, also are making more of an effort to link issues of human rights and civil rights to feminist concerns.

Dabbagh openly is opposed to political liberty and equality and Rahnavard has yet to speak out, or show any inclination, in this direction. Both women are representative of a paradox: How the Islamist movement in Iran, which espoused the subordination of women to men, nonetheless developed strong women leaders who experienced real power inside the Islamic Republic. Women like them are classic examples of what Fromm and the Frankfurt School called authoritarian personalities. These are individuals, who, fearing the insecurities that the freedoms of modernity bring, seek to escape from their anxiety by joining authoritarian movements. They gain a sense of security from these movements in two ways: 1) as followers conforming to a structure that makes their decisions for them, and 2) as leaders who gain security from exercising power over others. I have tentatively explored these theories of authoritarianism in a more dialectical manner, pointing to sites of change and resistance.

We see that after twenty years of the Islamic Republic, the authoritarian solution has become unworkable as the government confronts the emergence of mass discontent among a new generation of youth and women, a generation that is coming of age long after the Revolution and has suffered the injustices of the theocracy. The future of Iran's reform movement is now in the hands of this new generation, but it remains to be seen if it can create a new national consensus over such issues as new civil liberties that clearly demarcate the boundaries between religion, state, and the individual; a more inclusive concept of citizenship; a more egalitarian concept of gender relations; and a new relationship to the outside world and the complex phenomenon of modernity.

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A Border Passage

Leila Ahmed

She and her husband were at lunch. They were having an argument. She had said again that she wanted a divorce and he had refused. That is all I know. She ran from the table and locked herself in the bathroom. He had had no idea, he said later, weeping out loud, that what she was doing was climbing out the window.

I remember going to their apartment the day after her death for 'aza (condolence). She had survived for only a few moments on the pavement, a crowd forming round her as she moaned in great pain, and then had died, no one she knew at her side. She was buried the same day. She was forty-two.

I almost could not bear to offer my sympathies to her husband, as I was required to do, going into the room where he sat with the men, receiving condolences, his face looking stricken and shrivelled.

And I found myself angry also at her sisters, my mother and aunts, their eyes swollen and red, receiving condolences in the rooms for women. Why are you crying now? I thought. What's the point of that? Why did you do nothing to help her all this time, why didn't you get her out of that marriage? I thought it was their fault, that they could have done something. If they had cared enough they could have done something.

That is what I thought then. Now I am less categorical.

Grandfather lived into his nineties, dying just as the new revolutionary government enacted the Land Reform Laws, redistributing the land once owned by the "feudalists" to its legitimate owners, the Egyptian peasantry.

By some process, the details of which I do not know, Zatoun was taken over ("rented" for a nominal sum) by the government and put to use as a school. That is what Zatoun is today.

It is easy to see now that our lives in the Alexandria house, and even at Zatoun, were lived in women's time, women's space. And in women's culture.

And the women had, too, I now believe, their own understanding of Islam, an understanding that was different from men's Islam, "official" Islam. For although in those days it was only Grandmother who performed all the regular formal prayers, for all the women of the house, religion was an essential part of how they made sense of and understood their own lives. It was through religion that one pondered the things that happened,

why they had happened, and what one should make of them, how one should take them.

Islam, as I got it from them, was gentle, generous, pacifist, inclusive, somewhat mystical – just as they themselves were. Mother's pacifism was entirely of a piece with their sense of the religion. Being Muslim was about believing in a world in which life was meaningful and in which all events and happenings were permeated (although not always transparently to us) with meaning. Religion was above all about inner things. The outward signs of religiousness, such as prayer and fasting, might be signs of a true religiousness but equally well might not. They were certainly not what was important about being Muslim. What was important was how you conducted yourself and how you were in yourself and in your attitude toward others and in your heart.

What it was to be Muslim was passed on not, of course, wordlessly but without elaborate sets of injunctions or threats or decrees or dictates as to what we should do and be and believe. What was passed on, besides the very general basic beliefs and moral ethos of Islam, which are also those of its sister monotheisms, was a way of being in the world. A way of holding oneself in the world – in relation to God, to existence, to other human beings. This the women passed on to us most of all through how they were and by their being and presence, by the way they were in the world, conveying their beliefs, ways, thoughts, and how we should be in the world by a touch, a glance, a word prohibiting, for instance, or approving. Their mere responses in this or that situation – a word, a shrug, even just their postures – passed on to us, in the way that women (and also men) have forever passed on to their young, how we should be. And all of these ways of passing on attitudes, morals, beliefs, knowledge through touch and the body and in words spoken in the living moment – are by their very nature subtle and evanescent. They profoundly shape the next generation, but they do not leave a record in the way that someone writing a text about how to live or what to believe leaves a record. Nevertheless, they leave a far more important and, literally, more vital, living record. Beliefs, morals, attitudes passed on to and impressed on us through those fleeting words and gestures are written into our very lives, our bodies, ourselves, even into our physical cells and into how we live out the script of our lives.

It was Grandmother who taught me the fat-ha (the opening verse of the Quran and the equivalent of the Christian Lord's Prayer) and who taught me two or three other short suras (Quranic verses). When she took me up onto the roof of the Alexandria house to watch for angels on the night of the twenty-seventh of Ramadan, she recited the sura about that special night, a sura that was also by implication about the miraculousness of night itself. Even now I remember its loveliness. It is still my favorite sura.

I remember receiving little other direct religious instruction, either from Grandmother or from anyone else. I have already described the most memorable exchange with my mother on the subject of religion – when, sitting in her room, the windows open behind her onto the garden, the curtain billowing, she quoted to me the verse in the Quran that she believed summed up the essence of Islam: “He who kills one being [nafas, ‘self’, from the root nafas, breath] kills all of humanity, and he who revives, or gives life to, one being revives all of humanity.” It was a verse that she quoted often, that came up in any important conversation about God, religion, those sorts of things. It represented for her the essence of Islam.

I happened to be reading, when I was thinking about all this, the autobiography of Zeinab al-Ghazali one of the most prominent Muslim women leaders of our day. Al-Ghazali founded a Muslim Women’s Society that she eventually merged with the Muslim Brotherhood, the “fundamentalist” association that was particularly active in the forties and fifties. Throughout her life she openly espoused a belief in the legitimacy of using violence in the cause of Islam. In her memoir, she writes of how in her childhood her father told her stories of the heroic women of early Islam who had written poetry eulogizing Muslim warriors and who themselves had gone to war on the battlefields of Islam and gained renown as fearless fighters. Musing about all this and about the difference between al-Ghazali’s Islam and my mother’s pacifist understanding of it, I found myself falling into a meditation on the seemingly trivial detail that I, unlike al-Ghazali, had never heard as a child or a young girl stories about the women of early Islam, heroic or otherwise. And it was then that I suddenly realized the difference between al-Ghazali and my mother and between al-Ghazali’s Islam and my mother’s.

The reason I had not heard such stories as a child was quite simply that those sorts of stories (when I was young, anyway) were to be found only in the ancient classical texts of Islam, texts that only men who had studied the classical Islamic literary heritage could understand and decipher. The entire training at Islamic universities, the training, for example, that al-Ghazali’s father, who had attended al-Azhar University, had received – consisted precisely in studying those texts. Al-Ghazali had been initiated into Islam and had got her notions as to what a Muslim was from her father, whereas I had received my Islam from the mothers, as had my mother. So there are two quite different Islams, an Islam that is in some sense a women’s Islam and an official, textual Islam, a “men’s” Islam.

And indeed it is obvious that a far greater gulf must separate men’s and women’s ways of knowing, and the different ways in which men and women understand religion, in the segregated societies of the Middle East than in other societies – and we know that there are differences between women’s and men’s ways of knowing even in non-segregated societies such as America. For, beside the fact that women often could not read (or, if they

were literate, could not decipher the Islamic texts, which require years of specialist training), women in Muslim societies did not attend mosques. Mosque going was not part of the tradition for women at any class level (that is, attending mosque for congregational prayers was not part of the tradition, as distinct from visiting mosques privately and informally to offer personal prayers, which women have always done). Women therefore did not hear the sermons that men heard. And they did not get the official (male, of course) orthodox interpretations of religion that men (or some men) got every Friday. They did not have a man trained in the orthodox (male) literary heritage of Islam telling them week by week and month by month what it meant to be a Muslim, what the correct interpretation of this or that was, and what was or was not the essential message of Islam.

Rather they figured these things out among themselves and in two ways. They figured them out as they tried to understand their own lives and how to behave and how to live, talking them over to gather among themselves, interacting with their men, and returning to talk them over in their communities of women. And they figured them out as they listened to the Quran and talked among themselves about what they heard. For this was a culture, at all levels of society and throughout most of the history of Islamic civilization, not of reading but of the common recitation of the Quran. It was recited by professional reciters, women as well as men, and listened to on all kinds of occasions – at funerals and births and celebratory events, in illness, and in ordinary life. There was merit in having the Quran chanted in your house and in listening to it being chanted wherever it was chanted, whereas for women there was no merit attached to attending mosque, an activity indeed prohibited to women for most of history. It was from these together, their own lives and from hearing the words of the Quran, that they formed their sense of the essence of Islam.

Nor did they feel, the women I knew, that they were missing anything by not hearing the exhortations of sheikhs, nor did they believe that the sheikhs had an understanding of Islam superior to theirs. On the contrary. They had little regard, the women I knew, for the reported views and opinions of most sheikhs. Although occasionally there might be a sheikh who was regarded as a man of genuine insight and wisdom, the women I knew ordinarily dismissed the views and opinions of the common run of sheikhs as mere superstition and bigotry. And these, I emphasize, were not Westernized women. Grandmother, who spoke only Arabic and Turkish, almost never set foot outside her home and never even listened to the radio. The dictum that “there is no priesthood in Islam” – meaning that there is no intermediary or interpreter, and no need for an intermediary or interpreter, between God and each individual Muslim and how that Muslim understands his or her religion – was something these women and many other Muslims took seriously and held on to as a declaration of their right to their own understanding of Islam.

No doubt particular backgrounds and subcultures give their own specific flavors and inflections and ways of seeing to their understanding of religion, and I expect that the Islam I received from the women among whom I lived was therefore part of their particular subculture. In this sense, then, there are not just two or three different kinds of Islam but many, many different ways of understanding and of being Muslim. But what is striking to me now is not how different or rare the Islam in which I was raised is but how ordinary and typical it seems to be in its base and fundamentals. Now, after a lifetime of, meeting and talking with Muslims from all over the world, I find that this Islam is one of the common varieties – perhaps even the common or garden variety – of the religion. It is the Islam not only of women but of ordinary folk generally, as opposed to the Islam of sheikhs, ayatollahs, mullahs, and clerics. It is an Islam that may or may not place emphasis on ritual and formal religious practice but that certainly pays little or no attention to the utterances and exhortations of sheikhs or any sort of official figures. Rather it is an Islam that stresses moral conduct and emphasizes Islam as a broad ethos and ethical code and as a way of understanding and reflecting on the meaning of one's life and of human life more generally.

This variety of Islam (or, more exactly perhaps, these familial varieties of Islam, existing in a continuum across the Muslim world) consists above all of Islam as essentially an aural and oral heritage and a way of living and being – and not a textual, written heritage, not something studied in books or learned from men who studied books. This latter Islam, the Islam of the texts, is quite different, quite other Islam: it is the Islam of the arcane, mostly medieval written heritage in which sheikhs are trained, and it is “men's” Islam.

More specifically still, it is the Islam erected by that minority of men who over the centuries have created and passed on to one another this particular textual heritage: men who, although they have always been a minority in society as a whole, have always been those who made the laws and wielded (like the ayatollahs of Iran today) enormous power in their societies. The Islam they developed in this textual heritage is very like the medieval Latinate textual heritage of Christianity. It is as abstruse and obscure and as dominated by medieval and exclusively male views of the world as are those Latin texts. Imagine believing that those medieval texts on Christianity represent today the only true and acceptable interpretation of Christianity. But that is exactly what the sheikhs and ayatollahs propound and this is where things stand now in much of the Muslim world: most of the classic Islamic texts that still determine Muslim law in our day date from medieval times.

Aurally what remains when you listen to the Quran over a lifetime are its most recurring themes, ideas, words, and permeating spirit, reappearing now in this passage, now in that: mercy, justice, peace, compassion,

humanity, fairness, kindness, truthfulness, charity, mercy, justice. And yet it is exactly these recurring themes and this permeating spirit that are for the most part left out of the medieval texts or smothered and buried under a welter of obscure and abstruse "learning." One would scarcely believe, reading or hearing the laws these texts have yielded, particularly when it comes to women, that the words "justice," "fairness," "compassion," "truth," ever even occur in the Quran. No wonder non-Muslims think Islam is such a backward and oppressive religion: what these men made of it is largely oppressive. Still – to speak less judgmentally and, in fact, more accurately – the men who wrote the foundational texts of official Islam were living in societies and eras rife with chauvinism, eras when men believed as a matter of categorical certainty that God created them superior to women and fully intended them to have complete dominion over women. And yet, despite such beliefs and prejudices, here and there in the texts they created, in the details of this or that law, they wrote in some provision or condition that, astonishingly, does give justice to women. So, even in those bleak days, the Quran's recurring themes filtered through. They did so, however, only now and then in a body of law otherwise overwhelmingly skewed in favor of men.

I am sure, then, that my foremothers' lack of respect for the authority of sheikhs was not coincidental. Rather, I believe that this way of seeing and understanding was quite common among ordinary Muslims and that it was an understanding passed on from mothers and grandmothers to daughters and granddaughters. Generations of astute thoughtful women, listening to the Quran, understood perfectly well its essential themes and its faith. And looking around them, they understood perfectly well, too, what a travesty men had made of it. This ingrained low opinion that they had of sheikhs, clerics, and ayatollahs stemmed from a perfectly just and astute understanding of their world, an understanding that they passed on to their daughters and indeed their sons.

Leaving no written legacy, written only on the body and into the scripts of our lives, this oral and aural tradition of Islam no doubt stretches back through generations and is as ancient as any written tradition.

One could even argue that an emphasis on an oral and aural Islam is intrinsic to Islam and to the Quran itself, and intrinsic even to the Arabic language. Originally the Quran was an aural, and only an aural, text recited to the community by the Prophet Muhammad. And it remained throughout his life, and indeed for several years after his death, only an aural text. Moreover, a bias in favor of the heard word, the word given life and meaning by the human voice, the human breath (*nafas*) is there, one might say, in the very language itself. In Arabic (and also Hebrew) script, no vowels are set down, only consonants. A set of consonants can have several meanings and only acquires final, specific, fixed meaning when given vocalized or silent utterance (unlike words in European script, which

have the appearance, anyway, of being fixed in meaning). Until life is literally breathed into them, Arabic and Hebrew words on the page have no particular meaning. Indeed, until then they are not words but only potential words, a chaotic babble and possibility of meanings. It is as if they hold within them the scripts of those languages, marshalling their sets of bare consonants across the page, vast spaces in which meanings exist in a condition of whirling potentiality until the very moment that one is singled out and uttered. And so by their very scripts these two languages seem to announce the primacy of the spoken, literally living word, and to announce that meaning can only be here and now. Here and now in this body, this breath (nafas) this self (nafs) encountering the word, giving it life. Word that without that encounter, has no life, no meaning. Meaning always only here and now, in this body, this person. Truth only here and now, for this body, this person. Not something transcendent, overarching, larger, bigger, more important than life -- but here and now and in this body and in this small and ordinary life.

We seem to be living through an era of the progressive, seemingly inexorable erasure of the oral and ethical traditions of lived Islam and, simultaneously, of the ever-greater dissemination of written Islam, textual, "men's" Islam (an Islam essentially not of the Book but of the Texts, the medieval texts) as the authoritative Islam. Worse still, this seems to be an era of the unstoppable spread of fundamentalist Islam, textual Islam's more narrow and more poorly informed modern descendant. It is a more ill-informed version of old-style official Islam in that the practitioners of that older Islam usually studied many texts and thus at least knew that even in medieval texts there were disagreements among scholars and many possible interpretations of this or that verse. But today's fundamentalists, literate but often having read just a single text, take it to be definitive and the one and only "truth."

Ironically, therefore, literacy has played a baneful part both in spreading a particular form of Islam and in working to erase oral and living forms of the religion. For one thing, we all automatically assume that those who write and who put their knowledge down in texts have something more valuable to offer than those who simply live their knowledge and use it to inform their lives. And we assume that those who write and interpret texts in writing – in the Muslim context, the sheikhs and ayatollahs, who are the guardians and perpetrators (perpetrators) of this written version of Islam – must have a better, truer, deeper understanding of Islam than the non-specially trained Muslim. Whereas the fact is that the only Islam that they have at deeper understanding of is their own gloomy, medieval version of it.

Even the Western academic world is contributing to the greater visibility and legitimacy of textual Islam and to the gradual silencing and erasure of alternative oral forms of lived Islam. For we too in the West,

and particularly in universities, honor, and give pride of place to, texts. Academic studies of Islam commonly focus on its textual heritage or on visible, official institutions such as mosques. Consequently it is this Islam – the Islam of texts and of mosques – that becomes visible and that is presented as in some sense legitimate whereas most of the Muslims whom I know personally, both in the Middle East and in Europe and America would never go near a mosque or willingly associate themselves with any form of official Islam. Throughout history, official Islam has been our enemy and our oppressor. We have learned to live with it and to survive it and have developed dictums such as, “There is no priesthood in Islam” to protect ourselves from it; we’re not now suddenly and even in these new lands going to easily befriend it. It is also a particular and bitter irony to me that the very fashionableness of gender studies is serving to disseminate and promote medieval men’s Islam as the “true” and “authentic” Islam. (It is “true” and “authentic” because it is based on old texts and represents what the Muslim male powers have considered to be true for centuries.) Professors, for example, including a number who have no sympathy whatever for feminism, are now jumping on the bandwagon of gender studies and directing a plethora of dissertations on this or that medieval text with titles like, “Islam and Menstruation” but such dissertations should more aptly have titles along the lines of “A Study of Medieval Male Beliefs About Menstruation.” For what, after all, do these men’s beliefs, and the rules that they laid down on the basis of their beliefs, have to do with Islam? Just because they were powerful, privileged men in their societies and knew how to write, does this mean they have the right forever to tell us what Islam is and what the rules should be?

Still, these are merely word wars, wars of ideas that, for the present anyway, are of the most minor significance compared with the devastation unloosed on Muslim societies in our day by fundamentalism. What we are living through now seems to be not merely the erasure of the living oral, ethical, and humane traditions of Islam but the literal destruction and annihilation of the Muslims who are the bearers of those traditions. In Algeria, Iran, Afghanistan, and, alas, in Egypt, this narrow, violent variant of Islam is ravaging its way through the land.

*If a day won't come
When the monuments of institutionalized religion are in ruin
... then, my beloved,
then we are really in trouble.*

Rumi

It has not been only women and simple, unlearned folk who have believed, like the women who raised me, that the ethical heart of Islam

is also its core and essential message. Throughout Muslim history, philosophers, visionaries, mystics, and some of the civilization's greatest luminaries have held a similar belief. But throughout history, too, when they have announced their beliefs publicly, they have generally been hounded, persecuted, executed. Or, when they have held fast to their vision but also managed to refrain from overtly challenging the powers that be and thus avoided violent reprisal, they have been at best tolerated and marginalized – accepted as eccentrics outside the tradition of “true” Islam. From almost the earliest days, the Islam that has held sway and that has been supported and enforced by sheikhs, ayatollahs, rulers, states, and armies, has been official, textual Islam. This variant of Islam has wielded absolute power and has not hesitated to eradicate – often with the same brutality as fundamentalism today – all dissent, all differing views, all opposition.

There has never been a time when Muslims in any significant number have lived in a land in which freedom of thought and religion were accepted norms. Never, that is, until today. Now, in the wake of the migrations that came with the ending of the European empires, tens of thousands of Muslims are growing up in Europe and America, where they take for granted their right to think and believe whatever they wish and take for granted, most particularly, their right to speak and write openly of their thoughts, beliefs, and unbeliefs.

For Muslims this is, quite simply, a historically unprecedented state of affairs. Whatever Islam will become in this new age, surely it will be something quite other than the religion that has been officially forced on us through all these centuries.

All of this is true.

But the fact is that, however genuinely humane and gentle and pacifist my mother's and grandmother's Islam was, it left them and the women among whom they lived wholly accepting of the ways of their society in relation to women, even when those ways were profoundly destructive. They bowed their heads and acquiesced to them even when the people being crushed were their nearest and dearest. Tradition and the conviviality, warmth, companionship, and support of the women of the extended family were rich and fine and nourishing and wonderful so long as things went well and so long as these women were dealing with men whom they loved and who loved them. But when things went wrong, the women were powerless and acquiescent in a silence that seemed to me when I was young awfully like a guilty averting of the eyes, awfully like a kind of connivance.

This, in any case, seems to me to be what my aunt Aida's story points to.

Aida's marriage was absolutely miserable from the very start, but divorce, according to Grandfather, was simply not a permissible thing in

his family. And yet his own niece Karima, my mother's cousin twice over (her parents were Grandmother's sister and Grandfather's brother), had divorced twice, and each time by her own volition. The difference was that Karima was an heiress, both her parents having died when she was young. Independent and wealthy, she had married on her own terms, ensuring always that the 'isma, the right to divorce, was placed by contract in her own hands. (The Islamic legal provision permitting women to make such contracts is one of those details that I mentioned earlier that are written into and buried deep in what is otherwise a body of law overwhelmingly biased in favor of men. Generally only rich women and women with knowledgeable, protective families are able to invoke these laws. Many people don't even know of their existence.) Aunt Aida had not inherited anything as yet and was financially dependent on her husband and her father.

Grandmother, grieving all her life over the cost of Grandfather's intransigence toward their son Fuad, was powerless to alter his decision about Aida. For all I know, Grandmother even acquiesced in the notion that divorce was so great a disgrace that, despite her daughter's misery, she could not bring herself to advocate that course or attempt to persuade Grandfather to relent. Karima, her own niece, always received, of course, with warmth and unconditional affection in their home, was nevertheless regarded by Grandmother and her daughters as somewhat scandalous, or at any rate as someone who was rather unconventional and living dangerously close to the edge of impropriety. Aunt Karima further added to her reputation for unconventionality when she founded an orphanage for illegitimate children. It was scandalous to men like Grandfather for respectable women to mention such a subject, let alone to be founding a society and openly soliciting funds from him and his cronies to support an organization addressing the matter. She raised substantial funds for it over the course of her life as well as for another society, which she also founded, for the care and training of the blind. Both still flourish today and honor their founder. A bust of her stands in the front garden of the Society for the Blind.

Grandmother would not live to witness Aida's suicide. But she was witness to Aida's sufferings and unhappiness in her marriage, and the electric-shock treatment she underwent.

There is an irony to all this. In the circumstances in which Aida found herself, Islamic law would in fact have granted her the right to a divorce or an annulment. Had she been free to take her case to an Islamic court and had she not been constricted by the conventions of her people, she would have been granted, even by that male-created law, the release that she sought. Not by Grandfather and his customs or by Grandmother and her daughters and their conventions, steeped as they, too, were in the ways of

their society, but by Islamic law, in another of those unexpected, startlingly just provisions of this otherwise male-biased construction.

Nor was this the only situation in the various family circumstances I've described when women would have been more justly treated at the hands of Islamic law than they were by the traditions of the society, traditions by which the women of the family, too, were evidently bound. Islamic law, for example, frowned on the practice, entirely accepted by cultural tradition, whereby a man repudiated a woman, as my dying uncle had done, because he doubted her virginity. Asked about such a case, a medieval Islamic judge responded that the man had no right to repudiate a woman by claiming she was not a virgin, since virginity could be lost in many ways – just by jumping about or any such thing. He could divorce her nevertheless, since men had the absolute right of divorce even if in the absence of good reason, but the woman was entitled to full compensation and could not be regarded or treated as guilty of anything.

And so we cannot simply conclude that what I have called women's Islam is invariably good and to be endorsed. And conversely, everything about what I've called men's Islam is not to be automatically rejected, either.

'To refuse to veil one's voice and to start "shouting," that was really indecent, real dissidence. For the silence of all the others suddenly lost its charm and revealed itself for what it was: a prison without reprieve. . .'

Excerpt from *A Border Passage*

by Leila Ahmed

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Algeria: Morality Militias are Back

As happened in the times of the “cleansing campaign” waged by the Algerian authorities in 1982, “gendarmes” targeted illegitimate couples

by Malika T.

Who remembers the “cleansing campaign” under President Chadli, more precisely in 1982? When you went out for a walk with your girlfriend/boyfriend, you could not walk 2 steps without running into ‘gendarmes’ or policemen who demanded your marriage certificate, or if you could not produce it, would take down your identity. It [seems to have] started all over again just like in 1982, couples in search of some green in Tipasa (a small town on the West coast of Algiers) have been taken to the police station by gendarmes or municipal guards – What’s the crime? Walking hand in hand. Caught in the “net” of a gendarmes patrol, N. and R. recount their story of about 10 days ago.

We stopped on the side of a country road. My girlfriend had her head on my shoulder, nothing more. At that point gendarmes turn up and ask for our I.D. and ACR registration papers. After staring at us the first question was, “How is she related to you?” I said she was a friend. They confiscated our I.D.s and hold my girlfriend, “We are going to inform your parents so that they know what you are doing. It is immoral to go out with a man who is not your husband.”

Immediately N. got scared. “I was supposed to be at a cousin sister’s who would cover up for me in case of problem – but this problem was too big.” I started imploring the gendarmes.

“If you tell my parents, they will kill me, please, let us leave.” N said to the gendarmes, “We have not done anything wrong.”

“Indeed you did,” replied one of the gendarmes, “this is a violation of decency. You will be brought to justice.”

R. was frustrated, “What is going to happen?” – “We are going to get you two married,” said one of the gendarmes. “We were taken aback by this incredible response.”

The couple indeed stood accused in a court of law on charges of violation of decency.

During our investigation we met young people who were having a nice time in a zoo. We asked them their opinion. Lakhdar and Amiena were taking a walk alongside a railroad. “What if you were caught walking hand in hand and you were forced to get married?”

Lakhdar answered first, "Marriage? First of all it is not in my plans, I do not have a job." Other couples who listened to the conversation were adamant, "The state should take such means to ensure its policies! Marriage, we don't mind, but what do people want? The state should give us what goes with it, a place to live in, a job. Forcing us to get married, OK, but what then?"

At the small fast food place near the zoo, two young girls were having lunch. We approached them to discuss this problem. "No way to get us married with some guy, just because we went to a movie with him. As for myself, I want a real marriage. We have a girlfriend whose identity papers were confiscated because she was in Tipasa with a guy."

In Tipasa, the little creeks which normally shelter sweethearts are deserted. Two or three couples sit at tables inside a small inn without music facing a plate of fish. Two slow moving Nissan's of the gendarmes pass by; they scrutinise the beach. Two of gendarmes come down. Is it a routine check or is it a witch-hunt against lovers?

It is surprising how few cars are parked here. We go around and get information regarding the rumour circulating. The beach and rocks behind the bungalows are desperately empty. Security agents check everywhere. We walk with them.

"What's going on? There's nobody here, is it because of the weather?"

"Not at all, even if it were to snow they will come here to transgress morality."

"Who is 'they'? Are you turning into a morality militia?"

"There are many minors all over and we take them to the gendarmes."

"And what about adults? How are you concerned with them? Don't you think you are trampling on their individual rights?"

"Nowadays, there is no more morality. In the past, one would not witness all this."

Other times, other morals. However in the wilaya (area) of Tipasa, the authorities don't seem to want to accept it.

Translated into English from *Courrier International* No. 424, 17- 2, December 1998, p.42.

Originally appeared in: *Le Matin* (Algiers), 1998).

The Role of the International Community in the Israeli-Palestinian Conflict

Nadia Hijab

Presentation to the panel co-sponsored by the Middle Eastern Law Students Association, the Jewish Law Students Association, and the International Law Society at New York University Law School.

23 April 2002

Thank you for inviting me here to give a Palestinian perspective on the Role of the International Community in the Israeli-Palestinian conflict.

In fact, the perspective I will be speaking from is that of human rights. I consider myself to be a human being first, and my ideology is human rights.

The Universal Declaration of Human Rights incorporates many of the principles found in all world religions and philosophies. Thus, it serves as a common platform for us all, irrespective of our personal faith or origins. These principles underpin the body of international law evolved during the 20th Century.

The reason I emphasize this here today is not just because you are law students. It is because I believe that only rights and principles can help us to see clearly through the heavy veil of blood that envelops the conflict between Israel and Palestine.

Without principles, our emotions will rule. We will be swayed by sympathy for whoever is dying today – the pulverized Palestinians in the Jenin refugee camp, who have yet to be found and buried, or the Israelis blown to bits in a Jerusalem supermarket. The fact is, no matter where our sympathies lie, they will not bring us to a just and lasting solution. Only rights and principles will do that.

Let us begin by recognizing that we are the international community, right here in this room. Our governments operate on the basis of interests. Only we can push for principles. But we need to see clearly, which we cannot do when we have blood in our eyes.

So, I believe that we, the international community, should do two things. First, we must get informed – and stay informed. I am telling you the truth – but don't take my word for it! Nor should you take the Israeli mission's word for it.... Obviously we are on opposite sides of this conflict.

Get the information for yourselves, and then check that information against universally agreed principles and rights. Just keep in mind that here in the United States you will not get enough information on what is happening from the mainstream media. And you certainly won't get much about principles and human rights. You need to go to the European, Israeli, or Arab media for the news, and to see a much greater span of views than what is reported here. You can also go to the many alternative media sources that exist on the web.

I have brought a list of sources with me, which includes the websites of groups active for peace and justice between Palestinians and Israelis. Again, don't take my word for it – check them out for yourselves – and run the information by the radar of universal rights and principles.

The second thing we need to do is to act on the basis of information received. If we believe that crimes have been committed or injustice has taken place, we must do everything in our power to prevent crime and promote justice.

I want to turn now to what I think could be the principles and rights for a just and lasting peace of the Israeli-Palestinian conflict. It is quite simple really – all we have to do is apply three international rulings to the conflict: UN General Assembly resolutions 181 and 194 and Security Council Resolution 242.

We need to begin right away with Resolution 242 and an end to Israeli occupation in order to prevent more deaths. Seven Palestinians were killed yesterday alone. The principle underpinning Security Council Resolution 242 is “the inadmissibility of the acquisition of territory by war”. Israeli forces should withdraw together with the settlers to the 1967 borders and then negotiations should begin to settle the rest.

In case this sounds like a pipe dream, please note that some mainstream Israelis are calling for the same thing, most recently the former attorney general Michael Ben Yair. So is the conference of American Jews for a Just Peace: Reclaiming our Community's Principles which is meeting in Washington this Friday 26 April.

Then we need to address UN resolution 181. This partitions Palestine into an Arab state and a Jewish state. Israel came into being but Palestine did not. This was partly because the Palestinians and Arabs rejected the partition plan at the time. At the time they considered – and I believe they were right – that this plan was unjust.

To explain this position I need to talk for a minute about absolute justice versus achievable justice. For me, as a Palestinian, absolute justice would constitute going back to 1917, when Britain promised the Zionists it would help them establish a “national home in Palestine without prejudice to the existing population” – even before the British occupied Palestine and established their mandate. As far as the Palestinians are concerned, we

had nothing to do with the pogroms of the Jews and Europe. Why should we pay the price?

But we know that turning the clock back 100 years to achieve absolute justice is impossible. And for me personally, it is impossible to advocate absolute justice because – even assuming that we could achieve it – simply shutting down Israel and evicting four million Israelis would create a grave new injustice today.

Israel may perhaps one day recognize how much it owes Yasser Arafat and the PLO. The reason that I and the majority of Palestinians are willing to accept a two-state solution with a state of Palestine on just 22% of mandated Palestine is because the PLO has been carefully talking us into it since 1974. In the early days, some PLO officials were shot by radical groups for even hinting at a two-state solution.

Yasser Arafat could not accept Ehud Barak's so-called "generous offer" at Camp David in July 2000 because it did not provide for a sovereign Palestinian state in the West Bank and Gaza, as American negotiator Robert Malley revealed a year later.

Today, I believe that achievable justice impels the international community to implement the UN partition plan without delay. We should call for the immediate seating of Palestine at the United Nations.

The third UN resolution I mentioned, Resolution 194, provides for the right of return of refugees to their homes or compensation. Here, again we need to look at what constitutes absolute justice and achievable justice.

Actually, something you may not know is that the State of Israel has accepted both 194 and 181, as well as 242. The preamble of the resolution admitting Israel to United Nations membership specifically refers to Israel's undertakings to implement 181 and 194. Today, the question is not whether but how to finally implement these resolutions to achieve something that the majority of the people involved consider to be just. I think it can be done, by recognizing the principle that the Palestinians have the right, and by giving priority to those who most have the need to return, and that means Palestinians living in refugee camps, and compensation to the Palestinians who do not return, again giving priority to those most in need of compensation.

Any discussion of the Palestinian right of return should be accompanied by a discussion of the Israeli Law of Return. The Israeli Law of Return discriminates not just against the Israeli citizens of Israel who are Palestinian but also Palestinians wishing to exercise their right of return. Just think: all of you who happen to be Jewish could tomorrow troop into the Israeli consulate and exercise your "right of return" while Palestinians languish in refugee camps. Where's the justice in that?

There needs to be a point, very soon, when Israel and Palestine become the state of the citizens who live in them. I want to assume for a moment that not a single Palestinian refugee will return to Israel. As things stand today, the non-Jewish citizens of Israel – that means over a million Israeli Arabs – are, by definition, not full citizens of the Jewish state. The underdeveloped state of Arab towns and villages compared to Jewish ones testify to the success of these laws. Irrespective of the Palestinian right of return, the State of Israel will need to address discrimination by law and in fact against those citizens who happen not to be Jews.

There is also a need to debate how one can guarantee that a state can keep one group of citizens in a majority for all time. What if another half a million Israelis emigrate, and the existing Palestinians breed even more rapidly? What do you do then? Enforce a one family one child policy for Palestinians?

Let's look at neighboring Lebanon, where Christian Maronites claimed they were in a majority at the founding of the state, and that therefore they should have the presidency of the republic, the only one in the Arab world. Bitter civil wars are the result of trying to hang on to a majority and the power and resources that go with it.

States must be states of all their citizens. For me, the United States is the model. It is certainly not a model that is perfectly implemented in practice, but it is better even than Europe. Secularism, the separation of religion and state, is what partly makes it possible for all citizens to be equal in the United States.

There are other ways to define a Jewish state. Israel has succeeded in coming into existence, and has created a home for many Jews and a bond with Jews worldwide. At some stage, the relationship of other Jews to Israel must become that of historic, religious and cultural ties, rather than seeing Israel as a haven of last resort for all Jews for all time.

But, for this to happen, we must all fight against anti-semitism, latent and blatant, which remains a threat to Jews wherever they are. We should also be aware that some anti-Jewish feeling today has no roots in traditional anti-semitism, but is fueled by the injustice of Israel's occupation of Palestine.

In fact, we must also be clear that there is now Arab-Jewish hatred that is more virulent than has ever existed in 100 years. We need to take steps to address this hatred. To address Arab hatred of Jews, we need to highlight the growing number of Jews and Israelis – including the brave reservists who refuse to serve in the army of occupation – I salute them – and all Jews who speak up and take action for the human rights of Palestinians.

To address Jewish hatred of Arabs, we must speak up against all violence against civilians, including suicide bombings. We must make

clear and repeat again and again the goals of the Palestinian struggle – two states, living in peace, side by side.

What is it in our power to do? There are any number of actions we can take. We must start where we are. We are here in the US, and this is a very important place to start. As the Israeli academic Avi Shlaim, who is currently a professor of International Relations at Oxford, puts it, “One of the most disturbing aspects of the current crisis is America’s complicity in the Israeli onslaught.... Although America is a signatory to the Oslo Accord, Bush has abandoned the Palestinian side.” [By the way, I think the Oslo Accords were terrible – they were not founded on any kind of principles and human rights. I would hate to see a return to Oslo].

Plus, of course, there is the \$4 billion plus in US aid to Israel, much of which goes to buy military equipment, which in turn has been used to devastate Palestinian society and economy. The reports are just coming out of ministries, and civil society organizations, shops and homes where the deliberate destruction boggles the mind.

We must act. In Palestine and in Israel, as in our daily lives, and everywhere on this planet, only the rule of law will protect us.

Practices in the Shari'a Court of Appeal in Israel; Gendered Reading of Arbitration Decisions.

Hoda Rouhana

Introduction:

Issues of personal status are of the most important and decisive when concerning gender because they hold within them a distinct model of the relationship between men and women. Issues related to the 'public sphere',¹ such as laws which concern work or political participation, have undergone many developments. Personal status, however, has remained the last bastion of male dominance. It has become, in many contexts (e.g. Muslim countries or minority or immigrant communities), a symbol of religious/cultural differences and closely intertwined with the group religious/national identity. It has remained, in most cases, under the authority of the religious institutions and any attempts at reform always spur strong reactions.

Until the early 1970's, as A. Moors suggests, "The academic study of Islamic family law was largely the privileged terrain of Orientalists. Employing a textual approach, they constructed an Islamic family that remained monolithic, static, and rigidly patriarchal until the promulgation of twentieth-century legal reforms."²

J.N.D. Anderson, basing his study on a textual analysis of the legal text, had presented a perspective on women and family in Islamic law. When talking about the features characteristic of the Muslim family, he employs the term patriarchal: where women did not have similar rights and were obliged to always obey their husbands. Further on he describes the legal reforms that took place at the twentieth-century as the "eclipse of the patriarchal family".³

According to Moors, the grounds of the debate have fundamentally changed after the 1970s. She asserts that, "firmly held assumptions have come up for debate, and major shifts have accrued in conceptualizing women and gender relations. Rather than taking the meaning of gender

1 The division between the public and the private sphere had been challenged by feminist literature. However I refer here to the public sphere as it is perceived by part of the civil society and the state.

2 Moors, 1999, p142.

3 Anderson 1964.

for granted, the way in which gender is constructed and how this relates to gendered social practices have become central issues. Women are no longer seen as a homogenous category, and the complex relations between gender and other axes of distinction, such as class, are elaborated on.”⁴

In 1993, Z. Mir Hosseini conducted a study based on fieldwork in family courts and among litigants in cases in Morocco and Iran. In this study she describes the way that litigants manipulate the law in order to resolve marital difficulties. According to Hosseini, “Each dispute case is a microcosm of forces that shape the reality of Muslim life: the force of the sacred elements in law, the modern legal system that embodies and enforces it and the way individuals, be they judges or litigants, perceive and relate to both.” She challenges the prevailing assumption that the secularization of the law necessarily enhances women’s positions and that a return to shari’a law limits women’s choices and detracts from their position.⁵

While personal status laws were largely debated in literature on other countries in the Middle East, few works have been produced speaking specifically on the issue as it relates to the Palestinian minority in Israel.⁶ The most significant work done in this area is the work of A. Layish (*Women and Islamic Law in a Non-Muslim State*, 1975). This work is based on an extensive study of the records of the shari’a courts in Israel in the 1960s.

In several writings (1974, 1975, 1993) Layish talks about the relationship between the shari’a and custom, and the role that the qadi (judge) plays in constructing this relationship. According to him the differences between the qadis are expressed in their attitude towards custom. The role the qadis play is crucially important, because the shari’a court operates in a non-Muslim state. Talking about the Islamization of custom he asserts that this process lacks the theoretical-doctrinal elements developed in the past with great skill and diligence by the authorized exponents of Islamic law.⁷ He continues that the qadis’ motivation to Islamize custom is in the general interest (*maslaha*). However, Layish did not look at the different interests women may have stemming from their different positions and positioning in society. Rather, he concluded that the qadis made an important contribution to the improvement of the position of women in matters of personal status.⁸ Layish talks about the ambivalent attitude of the qadis to secular legislation imposed on the shari’a courts and the role some

4 Moors, 1999, p142-143.

5 Mir- Hosseini, 1993.

6 All the academic work done in this area, was done mainly by Israeli men (see for example the work of Layish 1971, 1975, 1993, Reiter 1997).

7 Layish, 1993, p180-181 and Layish, 1974, p389-399.

8 Layish, 1975, p332-336.

qadis played in unwittingly encouraging circumvention of the secular law. However in the end he concludes that secular legislation has contributed significantly to the improvement of the status of women.⁹

My essay will attempt to fill in the gaps resulting from a lack of literature dealing with personal status laws and the Palestinian minority in Israel. It aims to examine the practices in the Shari'a Court of Appeal (SCA) from a gender perspective. I will examine this by looking at the Court's decisions in arbitration cases, the application of arbitration by the SCA as an institutional manifestation of customary norms and its implication on women's status.

Muslim Personal Status Laws and the Shari'a Courts in Israel:

Palestinian citizens of Israel comprise close to 20% (one million) of the population of the country. They belong to three religious communities: Muslim (76%), Christian (15%), and Druze (9%). They are nationally and historically part of the Palestinian people who currently live in the West Bank, Gaza Strip, and the 'Diaspora'.¹⁰ After the war in 1948, and the establishment of the state of Israel, the Arabs who remained in their lands were transformed from members of a majority population to a national minority in an exclusively Jewish state, a state built on the rubble of Palestine and the displacement of the people. They lacked political as well as economic power, because their leadership, professionals, bourgeoisie and middle class were refused the right to return and were compelled to live outside Israel.¹¹

In Israel, issues involving personal status matters (marriage, divorce, alimony, custody, property, etc...) are generally decided by religious courts, according to religious laws. While in some personal status matters, citizens have the right to apply to the state 'Family Courts', marriage and divorce remain exclusively within the jurisdiction of the religious courts.

In certain cases, Jewish, Christian and Druze individuals can choose to bring their conflicts before the newly established state 'Family Courts', as long as these disputes are not pure marriage and divorce matters.¹² However, until November 2001, Muslims did not have the option to choose between the state 'Family Courts' and the Muslim religious courts (referred to as the shari'a court), as Muslim religious courts retained exclusive jurisdiction over all personal status matters. Similarly, Christians did not have the option of choosing between civil and religious courts in issues concerning wife maintenance, as Christian courts retained exclusive

9 Layish, 1993, p176.

10 Adalah Annual Report 1998, p7.

11 Adalah 2001, p3.

12 The Working Group report 1997, p66.

jurisdiction over this issue. The new state 'Family Courts' were given the power to adjudicate on the personal status matters of Arab Muslims and Christians by a bill passed in the Knesset (the Israeli parliament) in November 2001, which was the result of a proposal presented by Palestinian women activists. Nevertheless, as mentioned above, marriage and divorce have remained exclusively within the jurisdiction of the religious courts for all religious groups.

Muslims, until November 2001, enjoyed wider judicial authority than any of the other religious communities in the country. This was a result of Article 51 of the Palestine Order in Council of 1922, which granted them exclusive jurisdiction in all matters of personal status laws and waqf (religious endowments). With the creation of the state of Israel, however, their communal organization collapsed completely, and they lost the autonomous communal organization or religious-political leadership they had enjoyed in the Mandate days. The members of the Supreme Muslim Council and the shari'a elite muftis (Muslim jurists who are authorized to issue religious decrees 'fatwa'), qadis (judges) and senior ulama (scholars) – departed, and the religious legal system, the waqf administration, and the various communal institutions ceased to exist. Under these new circumstances, the stronghold of the shari'a court in Israel was restricted to religious jurisdiction in matters of personal status law and waqf. It is important to note that under late Ottoman rule and the British Mandate the jurisdiction of the shari'a courts was already confined to matters of personal status, succession and waqf. Penal law, civil transactions, injuries and other matters were, on the other hand, transferred to the jurisdiction of civil courts.¹³

In Israel there are seven shari'a courts of the first instance, each one consisting of a single qadi, and one shari'a Court of Appeal with a bench of two or three qadis. Qadis in the shari'a courts are appointed in accordance with civil law, by civil authorities, at the recommendation of a committee headed by the Minister for Religious Affairs.¹⁴ The shari'a courts in Israel are male-dominated. All qadis are men. Despite the fact that the 1961 law for appointing qadis does not indicate the sex of the applicant, no woman has ever been appointed as a qadi.¹⁵ Although there are a number of women

13 Layish 1993, p172.

14 Reiter 1997, p205.

15 Article 2 of the 1961 Act requires a qadi to be a Muslim over the age of thirty, married or formerly married, a citizen of Israel, with a way of life or morals that are suitable to the position of a qadi of the state of Israel, and a suitable qualification in shari'a law. See Nator 1996, p13.

Women Equal Rights Law (1951) contains an exception stating that this law does not apply to jobs inside the religious courts. The state of Israel also made a reservation on the CEDAW articles that relate to personal status laws, including article 7(B) concerned with the

lawyers, "Women prefer to seek the services of a shari'a litigator (all of whom are men) as they charge a cheaper price compared to lawyers."¹⁶ The 1961 law for appointing qadis is problematic, as it does not require the qadi to have any shari'a education, nor indeed any other legal education.¹⁷ Most of the qadis serving in the shari'a courts lack a formal shari'a education, as well as legal knowledge.¹⁸ This is problematic especially, in the light of the central role that the qadis play in the shari'a courts in Israel, in the interpretation of legal texts and in issuing court decisions.¹⁹

The shari'a courts play a crucial role in the life of Muslims in Israel. Nevertheless, their work is severely obstructed.²⁰ This is the direct result of discriminatory policies in the state allocation of budgets. The budgets allocated to these courts are insufficient to answer their basic needs, such as staffing and adequate building provision.²¹

The shari'a courts' jurisdiction over personal status matters is enshrined in the "Ottoman Law of Family Rights" (OLFR), which represented the first state promulgated codification of Muslim family law, and its accompanying law of shari'a procedure. This law was codified in the Ottoman Empire in 1917 and implemented in Palestine in 1919. It remained in force after the creation of the state of Israel". in 1948.

The "Ottoman Law of Family Rights" is based on the Hanafi school of thought. However, it included views from other Sunni schools of thought.²² The problem with the contemporary application of the OLFR in the shari'a courts is that its sections are limited to marriage and divorce. In addition, the law of shari'e procedure accompanying the OLFR is limited and very difficult to implement in modern courts.²³ In many cases, such as 'the silence of the text' (Giyab Al Nass), judges need to refer to the books of the scholar Abu Hanifa *Ketab Alahwal Alshaqsiya*, to the well-known codification of personal status and succession laws laid down by the

appointment of women as judges inside religious courts. The Israeli government states in its reservation that, "Appointing women as judges in religious courts is forbidden according to the religions of the religious groups in Israel." See the *State of Israel Report* to the CEDAW 1997.

16 *Women and Religious Court Project's Report*, Adalah 2000, internal document.

17 The law states that the qadi should have a suitable qualification in shari'a law. However it does not specify or clarify this qualification, and it does not require any special exams or any certificate.

18 Layish 1993, p180, *Women and Religious Court Project's Report*, Adalah 2000.

19 See Layish 1994, 1993 concerning the role of the qadi.

20 *The State Comptroller Report* 1996.

21 *Women and Religious Court Project*, Adalah 2000, p6.

22 Welchman 2000, p43-44.

23 *Women and Religious Court Project*, Adalah 2000, p3.

Egyptian Qadri Pasha “to the law in some Arab countries, for the aim of istia’nass,”²⁴ (for inspiration).

The personal status laws in Middle Eastern countries, which for the most part use the OLFR as one of their main sources, have undergone major reforms. In reforming the law, most Arab legislatures moved largely within the Islamic jurisprudence tradition in response to a changing socio-economic context. However, the OLFR applied in the shari’a courts in Israel was not reformed. Layish argued that, “The Israeli legislator, for obvious reasons, could hardly adopt the legislative techniques of takhayur (the selection or combination of elements from different schools of thoughts) and other devices customary in Arab countries, which were intended to give reforms the character of an internal refurbishing of religious law.”²⁵

The Knesset enacted civil laws concerning personal status, which are binding in all religious courts. It subjected its legislation to two severe restrictions; “It abstained from interfering with any religious prohibition or permission as to marriage and divorce; it adopted procedural provisions and penal sanctions as deterrents in preference to substantive provisions which would have invalidated the relevant religious law.” and, in matters for which provisions superseding religious law were enacted, the parties were usually given the option of litigating in accordance with religious law.”²⁶

The main civil laws that are applied in the shari’a courts are:

1. The Marriage Age Law of 1950.²⁷
2. The Women’s Equal Rights Law of 1951. This includes a ban on polygamy and on divorcing one’s wife against her will.²⁸
3. The Maintenance (Assurance of Payment) Law of 1972.²⁹
4. The Property Relations between Spouses Law of 1973, and the reforms of 1991.

While there is a general tendency to view the laws as bringing a positive change to the status of women, women’s NGOs have pointed out the

24 See Alkashaf Appeal 97/35.

25 Layish 1993, p174.

26 Layish, 1993, p174.

27 This law raised the age of marriage for women from 15 years to 17 years.

28 This law abolished the defense granted to Muslims against a charge of polygamy. It also forbids divorcing one’s wife against her will unless permission to do so has been given by a religious court. A person contravening this prohibition is liable to punishment.

29 This law transfers burden of maintenance payment fixed by court judgment to the National Insurance Institute, which has been given the task of collecting the debt from the husband. As a result, women can attain their right to maintenance without delay and without having to resort to further legal proceedings.

difficulties in enforcing these laws. According to the Working Group's report on *The Status of Palestinian Women in Israel* which was submitted to the CEDAW, child marriage or polygyny are permitted, even though the law punishes people who practice them and who help others to practice them. The enactment of the criminal provisions has not helped to improve the situation of women, as the authorities have not enforced the law effectively.³⁰ One of the reasons for the difficulty in enforcing criminal provisions is highlighted by Layish. According to his explanation, the intervention of the Knesset, a non-Muslim legislature, in this sensitive area of personal status is a great concern to Muslim citizens. Muslims are very critical of the Knesset's legislation. They suspect it is guided by a desire to undermine the position of the shari'a and the traditional social order, to the extent that some qadis prefer to ignore this legislation and remain bound exclusively by the shari'a law norms in these matters.³¹ Another explanation lies in the general tendency of some of the Israeli authorities to approach the violation of women's rights as an internal issue for the Arab community that cannot be challenged. This is evident in the way the police and courts deal with issues relating to domestic violence in general, and to so-called 'honor crimes'.³²

The issue of the authority of the shari'a court in Israel has always been contested. Any attempts to provide opportunities to Muslim women to bring their cases in front of civil courts had caused strong reactions. These reactions are a result of the relationship between personal status law with the imagined, "group identity," and a result of the limited secular space in a state that defines itself as a Jewish one.³³

Court Cases: Judicial Divorce and Arbitration:

Definition:

One of the grounds for dissolution of a marriage on the initiative of one of the spouses is 'discord and strife' (niza wa shiqaq) between them. The phrase 'discord and strife' refers to severe abuse by either one or both parties to the extent that marital life cannot possibly continue. According to article 130 of the Ottoman Law of Family Rights, once such strife is established to the satisfaction of the shari'a court, the qadi is to appoint two arbitrators (hakam), if possible from the families of the spouses, and

30 *The Working Group Report* to the CEDAW Committee, 1997, p67.

According to the report, Civil law contains exceptions to accommodate conflicts with religious laws, for example the Women's Equal Rights Law (1951) contains a provision which states that the law does not apply to matters relating to marriage and divorce".

31 Layish 1993 p167-183.

32 *The Working Group Report* 1997, p73.

33 Rouhana, 1999, p20-24.

they, also referred to as 'the family council' (al-majlis al-aelee), are to try to the best of their ability to bring about a reconciliation. If they fail through the husband's fault, they are to decide on the dissolution of the marriage. If they fail through the wife's fault, she is to be divorced by khul; a form of repudiation by which the wife releases herself from the marriage for a consideration, while losing the right to the whole or part of the dower. If the arbitrators fail to reach an agreement between them, the qadi is to appoint other arbitrators from the families of the spouses or a third arbitrator from neither family. The arbitrator's award is final and is not subject to appeal.³⁴

The application for judicial divorce on the grounds of 'discord and strife' under the Ottoman Law of Family Rights represents a limited adoption of Maliki rules in the area of divorce law, as the Hanafi rules on the grounds on which the wife might seek judicial divorce are the most restrictive of the four Sunni schools.³⁵

In addition to 'discord and strife' the Ottoman Law of Family Rights includes a number of grounds on which separation can be claimed. They include insanity of the husband, the existence of a dangerous contagious disease, or a disease or disability preventing consummation of the marriage, including impotence of the husband, madness of the husband, and absence and injury including non-payment of maintenance by an absent husband.³⁶

In this study I looked at 26 decisions on arbitration, issued by the Shari'a Court of Appeal in Jerusalem (SCA) in the year 1997. These decisions were the last to be published by the SCA. Most of the decisions revealed some information about the case discussed in the Court of First Instance which I will discuss in this section. One of the difficulties that I faced in this study is the limited information provided about the spouses, and limited information on how the cases were dealt with in the Court of First Instance.

In her book *Islamic Family Law, Text and Practice in Palestine*, L. Welchman asserts that most separation claims in the West Bank are initiated by the wife. Although there are a number of grounds on which the husband too can petition the court for separation rather than exercising his power of

34 See Layish 1975:169, and see article 130 in Nator 1996, p 243.

35 Welchman, 2000, p283. According to the Maliki school, arbitrators are to reconcile the two spouses or to dissolve the marriage, while according to Hanafi school, arbitrators are not competent to dissolve a marriage unless the husband has authorized them to do so. See decision 97/16, Alkashaf, 1997/1, p207.

36 See the Ottoman Family Law article 119-131 in Nator, 1996.

Another ground for dissolution of marriage is if the girl is under 17, a secular ground introduced by the Knesset. (Layish 1975, p171.

In other cases where there is a defect or flaw in a marriage which makes it irregular (fasid) or void (batil) the woman may initiate the termination of the marriage. (Layish 1975, p173).

unilateral talaq (divorce) under the Jordanian Law of Personal Status (JLPS). In practice, nearly all claims for separation are submitted by women.³⁷

In Israel the rate of accessing this mechanism for divorce is higher than the use of unilateral talaq due to the 1951 Women's Equal Rights Law which prohibits talaq without the consent of the wife. The laws concerning judicial divorce were originally codified to give women access to divorce in special circumstances, and it is the only way for women to obtain divorce if their husbands are refusing to end the marriage. However, "some husbands may choose appealing to this law in order to escape the penal sanction they may face if they committed talaq without the consent of their wives."³⁸

Another reason for seeking to apply this mechanism by husbands is to escape settling the wife's financial rights (idda maintenance, deferred mahr) when pronouncing unilateral divorce.³⁹ It is difficult to compare the number of judicial divorce cases with the number of unilateral talaq cases because usually the latter is not brought to the Shari'a Court of Appeal. However, among the 146 SCA decisions that were published in Alkashaf for the year 1997, 26 cases concerned judicial divorce on the ground of 'discord and strife', four were concerning 'confirming talaq' and one was concerning 'judicial dissolution' (faskh).⁴⁰ The decisions of the SCA showed that a higher percentage of men compared to women appealed to the Court of First Instance for judicial divorce on the grounds of 'discord and strife'. Of the 26 cases brought to the Court of First Instance, fourteen petitioners were men, 10 were women and two cases were brought by both sides.

The Court of First Instance

Grounds for 'discord and strife'

The grounds (used by husbands in 14 cases) for applying article 130 were widened in the Court of First Instance to include:

37 Welchman, 1999, p169.

38 Jahshan, *Adv., Report on the Round Table on Personal Status Law, HRA, Nazareth, July 2000.*

39 See Welchman 2000, p284. According to her, "Under the JLR, it was theoretically possible for the wife to deliberately cause problems within the marriage until the husband unilaterally divorced her to save himself and his family from further embarrassment. In this event, the husband would have to pay his wife all her remaining financial rights. Under the terms of the JLPS, however, the husband may have re-course to the court in such situation, and if he can establish the abuse by his wife, may obtain judicial divorce with the wife forfeiting an amount of her remaining financial rights in proportion to the blame attributed to her by the arbiters."

40 The husband initiated this one on the ground of the wife's disease.

1. Childless marriage, wife not fulfilling her duties toward her husband, wife's false claims against her husband, the wife verbally insulting his family, the wife left the house and went to her parent's house, the failure of all attempts of reconciliation.
2. The involvement of the police in their case and issuance of a restraint order against the husband, the wife left the house and went to her parent's house, the wife did not obey the obedience order issued against her.
3. The involvement of the police in their case.
4. The wife had a relationship with a stranger, and wife's immoral behavior.
5. The wife's demand for artificial insemination as a result of the infertility of the husband.
6. Suspicion that the wife had a relationship with a stranger.

In 8 cases the grounds were not clear.

The grounds (used by wives in 10 cases) for applying article 130 in the Court of First Instance include:

1. Not implementing the marriage by the traditional ceremony (zafaf), the husband did not ask for the traditional ceremony, the husband has not been in contact for three years, the husband negotiated with the wife to terminate the marriage.
2. The marriage was for the sake of the husband obtaining a passport.
3. The marriage was for the sake of the husband obtaining a passport, bad relations between the spouses, mutual accusation of attacks and harassment, the involvement of the police in the case, non-consummation of the marriage.
4. A childless marriage which causes problems between the two spouses, the wife left the house after being attacked by the husband physically and verbally.
5. Agreement between the two on divorce.
6. Physical abuse by the husband.
7. Inability to solve the problems between them despite of the intervention of others who tried to help; the husband's suspicion that the wife had a relationship with strangers.

In three cases the grounds were not clear.

The amount of fault and "shari'e right" in the Court of First Instance: ⁴¹

Details on cases where dissolution claims (judicial divorce – tafriq) were made by the husband in the Court of First Instance (14 cases):

- In two of the cases where the dissolution claims were made by the husband the court declared him responsible for causing ‘discord and strife’ and thus guaranteed the women their shari’*e* rights, the waiting period maintenance (idda) and her deferred dower (moa’khar).
- In one case the woman was granted her shari’*e* rights after the husband had said that he is willing to give her all of her shari’*e* rights, in this case he wasn’t held to be at fault by the court.
- In four cases the court deprived the women from their shari’*e* rights, in two of the four cases the court deprived women only of her deferred dower, and in the other two cases the court deprived her of all her shari’*e* rights, the deferred dower and the waiting period maintenance (idda). In one of these four cases the court deprived the woman of her rights without declaring who was held at fault.
- In one case the court declared the wife to be at fault even before the court had appointed arbitrators.
- In five cases both of the spouses were blamed and each spouse was to pay or forfeit financial dues in proportion to the relative amount of fault.
- In one case where the arbitrators failed to find out who was at fault, the court decided that the husband was to pay an amount of money to his wife.
- In 9 cases the wife was deprived of all or a portion of her shari’*e* rights.

All decisions were made with the recommendation of the arbitrators.

Details of cases where the wife made dissolution claims in the Court of First Instance (10 cases):

- In three cases the husband was held to be at fault by the court and thus was obliged to pay his wife all her shari’*e* rights, the deferred dower and the waiting period maintenance. In the case where the marriage was not consummated, the husband was to pay half of the deferred dower.
- In two cases the wives were held to be at fault and were deprived of their shari’*e* rights, and they were ordered to return jewellery and clothes that were given to them by the husbands and their families.
- In five cases the details did not indicate who was held to be at fault. In one case the wife was deprived of her deferred dower but was given the right to remain in the house. In another case the wife was ready to make concessions on the deferred dower and was granted half of it. In one case the woman was guaranteed half of the deferred dower because the

41 The term shari’*e* rights, in this case, refers to the rights of women guaranteed to her by OLFR when divorced: the waiting period maintenance (idda) and the deferred dower (moakh’ar). Under different Muslim laws the term shari’*e* rights could also include the mata’*a* (compensation) and the wife’s due share of matrimonial property.

marriage was not consummated. In one case concerning 'discord and strife' no decision was made regarding financial rights, and in another case no information was provided in this respect.

In a total of three out of eight cases (as two out of the ten were not clear) the wife was deprived of her shari'e rights.

All the decisions were made according to the recommendation of the arbitrators, except in one case.

Details of cases initiated by both spouses:

In the first case the court, upon the recommendation of the arbitrator, held the husband at fault and thus it granted the wife all of her shari'e rights. No information was provided on the second case in this respect.

It is difficult to draw conclusions from the above decisions about the general tendency of the court and the arbitrators in deciding on 'discord and strife' cases because first, the above cases were those that were brought later to the Supreme Court and second, not enough information was provided concerning these decisions. However, from the available information on the cases the following conclusions could be made:

1. Women initiating the application of article 130 do not automatically lose their financial rights. This is in contradiction to the general belief among women that they do lose their financial rights when initiating judicial dissolution.
2. It appears that the Court of First Instance usually tends to confirm the decision of the arbitrators and to decide according to their recommendations. In only one out of the 26 cases did the court reject the recommendation of the arbitrators.
3. It appears from the decisions that the Court of First Instance tends to rule differently in similar cases. For example, in case number (97/71) the court asserted that the woman is not to be held at fault for leaving an abusive husband. In case number (97/50) leaving the marital house and filing a complaint to the police against the husband was not a ground for depriving the woman of her rights. However, in case number (96/239), involving similar circumstances, the woman was held at fault for the same reason. In the above cases the arbitrators also ruled differently.⁴²

42 In case (97/71) the wife initiated the judicial divorce in the court after being abused by her husband. The arbitrators decided that she was to take 30% of the blame because she refused to return to her husband. However the court did not follow this recommendation and decided that the husband should be held to be at fault totally and thus accepted her application and granted her full shari'e rights. In this decision the court referred to decision (95/62) of the SCA that states: "Can we accuse a wife, rather than dealing with her as a victim, just because she can not stay with the husband after being abused? Is not it more justice for us to investigate why she is not able to stay with him rather than blaming her?" In case (96/239), the husband asked to apply article 130 because his wife filed a complaint against him

4. Decision (97/71) shows that some of Courts of First Instance based their decisions on a Supreme Court ruling. In this case the court referred to a Supreme Court decision (95/62) in order to reject the arbitrators' decision which held the wife at fault for leaving the house after being abused. Although this appeared in just one case it is a mechanism that women could use in order to guarantee some rights.⁴³

We should also look at the following decisions which shed light on the role played by arbitrators in issuing rulings. It appears that these decisions were based on the arbitrators' personal conviction regarding the case in question. In case (97/115) the arbitrators decided to deprive the woman from her shari'e rights as the husband accused her of having relations with a stranger. The arbitrators based their decision on the husband's claims without having any evidence.⁴⁴ In another case the arbitrators decided to deprive the woman from her shari'e rights and held her at fault for demanding artificial insemination as a result of her husband's infertility.⁴⁵

The Shari'a Court of Appeal (SCA):

Of the 26 cases brought before the SCA in 1997, fourteen were initiated by husbands and twelve by wives. All of the cases were appeals against the Court of First Instance's decisions (most of them upon recommendations of the arbitrators) to dissolve the marriage (tafriq), with each spouse paying or forfeiting financial due in proportion to the relative amount of fault attributed to them. None of the cases were appeals against decisions of the Court of First Instance to reject a suit for dissolution (tafriq) or to refuse their application for 'discord and strife'. In case (97/16), concerning 'confirming divorce' that was published in 1997, the husband divorced his wife because the court refused his application for article 130 in the ground of 'discord and strife'.⁴⁶

The appeal grounds:

The grounds for appealing to the Supreme Court used by spouses were similar and included the following: objection to the decision of the

with the police accusing him of physical abuse, a restriction order was issued against him by the penal court, and she left the house and refused to obey the obedience order issued by the court. The court decided that the wife be held at fault before even appointing arbitrators.

In one case (97/50) the husband claimed that his wife filed a complaint against him with the police and that she had left the house and gone to her parents many times. The court accepted his application for judicial divorce, however it granted the wife all of her shari'e rights.

43 Alkashaf 1997/1, decision 97/71.

44 Alkashaf 1997/2, decision 97/115.

45 Alkashaf 1997/2, decision 97/125.

46 Alkashaf 1997/1, decision 97/16.

arbitrators (concerning the establishment of ‘discord and strife’, concerning the decision on dissolution and concerning the allocation of fault), procedural matters concerning the court or the work and the role of the arbitrators. It is important to note that during the appeal procedure, spouses often introduced fresh claims against each other.

The claims used by husbands against wives include:

Claiming that the wife is not willing to consummate the marriage, and claiming the wife’s desire is for divorce rather than reconciliation.

The claims used by wives against their husbands include:

The husband is not fulfilling his marital duties, the husband left the house without shari’e or legal reason (sometimes for several months), polygyny (in one case), the husband pronounced a verbal divorce (*awka’a a’alayha al-talaq*), the husband abused his wife, the husband divorced her against her will, the husband had sexual contact with her (*dakh’ala alayha*) after the court decision was issued and she is pregnant.

The above claims are a small portion of the main claims used by spouses in filing a petition. The majority of the claims were procedural and many of the claims were concerning the role of the arbitrators.

Besides rejecting the grounds for establishing ‘discord and strife’, the decision on dissolution (*tafriq*) and the decision on fault, the grounds for appeal used repeatedly in different cases are: the arbitrators took sides with the other spouse, they did not try to reconcile the spouses before deciding on dissolution, they did not listen to one of the sides, and they were not from the families of the spouses.

Some significant examples of the arguments used by women in order to defend themselves and obtain more rights include:

In one case where the husband accused his wife of disobedience and of filing a complaint against him with the police for abuse and obtaining a restriction order. The wife replied that she was ready to return but that the husband did not prepare a shari’e dwelling, and that she was manipulated into leaving the house.⁴⁷

In case (97/151) (not included in the 26 cases), the husband asked for judicial dissolution (*fasikh*) arguing that his wife suffered from a kidney problem that affected her ability to fulfil her marital and domestic duties, and asked that the marriage be declared void (*batil*) and irregular (*fasid*), as he did not know about her disease before their marriage. In this case the wife replied that she had undergone a kidney transplant and she provided an official medical certificate saying that this transplant would not prohibit her from completing her duties: managing the house work, pregnancy and delivering babies.⁴⁸

47 Alkashaf 1997/1, decision 97/65.

48 Alkashaf 1997/2, decision 97/151.

***The Appeal Court's decision: further details
In appeal cases initiated by the husband (14 cases):***

- a. Eight were rejected (57%).
- b. Five were accepted regarding the husband's demand for a reduction or cancellation of the payments ordered to the wife and regarding the amount of fault attributed to the spouses, but the husband's appeal for the overturning of the decision concerning tafriq was dismissed (36%).
- c. One was accepted regarding the husband's demand for the overturning of the decision concerning the dissolution (tafriq) and his demand for a reduction or cancellation of the payments ordered to the wife (0.7%).

Further details:

Among the five cases where the court accepted the husband's demand for a reduction or cancellation of the payments ordered to the wife and regarding the amount of fault attributed to the spouses:

- The court returned a case to the Court of First Instance in order to clarify the amount of jewels and the clothes that the woman had to return to the husband. In this case the judge criticized the fact that the arbitrators did not clarify why they decided to deprive the wife of her shari'e rights.⁴⁹
- The court decided to return a case to the Court of First Instance to clarify the amount of money the husband needed to pay in Israeli Shekels, and to give the spouses the opportunity to react to the decision of the arbitrators concerning financial rights before the confirmation by the court.⁵⁰
- The court decided to cancel the decision of the Court of First Instance in relation to the duty of the husband to return clothes to his wife. The court argued that the decision is general and not clear, and decided to uphold the decision on the dissolution (tafriq) and the right of the wife to her deferred dower.⁵¹
- The court decided to revise the decision of the Court of First Instance and to release the husband from his obligation to pay his wife half of the deferred dower since she had given away her right.⁵²
- The court decided to revise the decision of the Court of First Instance and to oblige the husband to pay his wife half of her shari'e right because the arbitrators decided she bore half the fault.⁵³

49 Alkashaf 1997/1, decision 97/42.

50 Alkashaf 1997/2, decision 97/121.

51 Alkashaf 1997/1, decision 97/16.

52 Alkashaf 1997/1, decision 97/67.

53 Alkashaf 1997/2, decision 97/167.

- The court accepted the appeal of the husband regarding the dissolution (tafriq) and the financial rights due to a procedural problem.⁵⁴

The above cases imply that even in cases where the court accepts the appeal of the husband concerning financial rights, it does not necessarily mean the wife will be completely deprived of her financial rights.

For the 12 cases that were initiated by the wife:

- a. Four cases were rejected (33%).
- b. Six cases were accepted regarding the financial rights granted to the wife and amount of fault attributed to the spouses, and refused in relation to the dissolution (tafriq) (50%).
- c. Two were accepted in relation to the dissolution (tafriq) and the financial rights (17%).

Further details:

- a. Considering the 4 cases that were rejected:
 - The case was rejected because the Court of First Instance had already granted the woman her rights.
 - The case was rejected due to a procedural problem.
 - The court rejected the wife's arguments that challenged the decision (that he had divorced her before filing in court, he had sexual relation with her after the dissolution decision and that she was pregnant).
 - The wife failed to convince the court that there was no 'discord and strife' and failed to prove the failure of the arbitrators to comply with the procedure.
- b. The six cases (that were accepted in relation to the financial right granted to the wife and the amount of fault attributed to the spouses, and refused in relation to the dissolution) were returned to the Court of First Instance or changed to the wife's benefit because the arbitrators did not clarify why they held the women to be at fault, why they had decided to deprive her from her rights without holding her at fault, or because the reason they used in order to hold her at fault was not legitimate.
- c. In the two cases where the Court accepted the appeal of the women against the dissolution decision, it was due to procedural problems in the initial decision.

The establishment of 'discord and strife' (nizaa wa shiqaaq)

The grounds used for establishing 'nizaa wa shiqaaq' were wide and included different reasons. While many of the arguments used by the spouses in order to challenge the establishment of 'nizaa wa shiqaaq' were considering

⁵⁴ Alkashaf 1997/1, decision96/146.

who to hold at fault, the judge had asserted several times that the consideration of the question of who to hold at fault does not imply that there is no 'discord and strife' but the opposite.

In decision 97/16, the qadi had referred to the book of Sheikh Mohammed Abu Zahra that asserts, "If one of the spouses claims to be injured (darar) by the other side and fails to prove it then the qadi must appoint two arbitrators." The qadi further asserts that the law 130 in this case does not talk about establishing injury but establishing 'discord and strife'.⁵⁵

Different decisions assert that the establishment of 'discord and strife' are based on the conviction of the Court of First Instance's judge, as he is the one who meets the couple and builds an impression from their behaviour with each other, and that no evidence is needed for the establishment of 'discord and strife'.⁵⁶ However, the judge has to try to reconcile the two spouses before he can establish the existence of 'discord and strife'.⁵⁷ All the petitions that challenged the establishment of 'discord and strife' were rejected based on the above ground.

The role of arbitrators:

It is difficult to challenge the decision of the arbitrators in the Supreme Court. The only cases where arbitrators decisions were challenged were when they failed to comply with formal procedure (Al-osol wa al-ahkam) of article 130.

For example, a number of cases were challenged where the arbitrators had not clarified why they deprived the wife of her rights or why they had decided that she was at fault. In other instances the arbitrators had ruled that the husband was at fault but decided to deprive the wife of her dower, or where they did not cooperate in their work together. The qadi commented that the court can reject the conclusion of the arbitrators if they did not follow the osol (procedure), i.e., if they did not try to reconcile the couple, they did not decide who is to be held at fault, or if they did not meet one of the spouses, etc.⁵⁸

In only two cases did the qadi decide that the arbitrators' decision regarding who is to be held fault was incorrect.⁵⁹ The decision of the Appeal Court referred several times to the role of the arbitrators saying, "The work of the arbitrators according to article 130 is judicial. They have the same judicial authority as the judge. Arbitration is judicial work.

55 Alkashaaf 1997/1, decision 97/16.

56 See for example Alkashaf 1997/1, D. 97/2 and Alkashaf 1997/1, D. 97/35.

57 Alkashaf 1997/1, decision 97/35.

58 Alkashaf 1997/2, decision 97/71 and Alkashaf 1997/2, decision 97/161.

59 In one case where they decided that the wife was guilty because she demanded artificial insemination as a result of the husband's infertility, and in another case they decided that the husband was guilty since he was infertile.

They have the authority to judge according to article 130. They had the right to invite the two sides in order to bring forth their arguments and the freedom to reconcile them, if they fail to do so, judicial divorce (tafriq or mokhalaa) can be implemented after deciding who is to be held at fault. The arbitrators' decisions are final and are not subject to appeal if they comply with the procedure of article 130. The judge has to rule according to the arbitrators' decision, because the decision is theirs."⁶⁰

From the decisions of Shari'a Court of Appeal we can draw the following conclusions:

1. The financial rights of the wife:

The Supreme Court's decisions have guaranteed the wife her shari'e rights in most of the cases. The right of the wife to have her deferred dower was emphasized by the judge especially in those cases where the arbitrators in the Court of First Instance decided that she was guilty without giving reasons or where they had deprived her from her rights without declaring that she was guilty. In decision 97/161 the judge said:

"The right for the dower is grounded in the marriage contract, depriving the wife of her dower should be based on a legal and shari'e reason. Disobedience (al-noshuz) does not deprive the wife of her right to the dower but of the maintenance."⁶¹

2. The arguments used:

The arguments used by spouses in the Supreme Court were mostly concerned with questioning the role of the arbitrators. This implies that the two spouses were able to shift between different arguments in order to negotiate their rights.

3. The role of the arbitrators:

Arbitration is an institutional manifestation of customary norms. The difficulties in challenging the arbitrator's decisions strengthen the role of customs in the shari'a court.

Conclusion

The dower is one of the basic issues debated in the petitions concerning judicial divorce on the grounds of 'discord and strife'. The right of women to dower, and the duty of the husband to pay it, is the core issue that constructs gender relations between spouses under the Muslim Family Law. "The fact that the concept of a shared matrimonial regime is absent in law has far reaching impact on the actual dynamics of marital relations."⁶²

The spouses' relationship informed by rights and duties, is a hierarchical one where men are constructed as superior, the providers

60 Alkashaf 1997/1, decision 97/16.

61 Alkashaf 1997/2, decision 97/161.

62 Mir- Hosseini , 1993.

and the protectors of women. Consequently women are inferior and need protection. Whenever the husband does not fulfil his duties as the provider, the woman may approach the patriarchal court system and bargain for her rights, sometimes using the very terms that construct her as inferior.⁶³

This practice is what Kandiyoti refers to as 'patriarchal bargaining': when women bargain inside a patriarchal system to obtain their rights, while at the same time giving up other rights.⁶⁴ However, for most women this is the only system where they can obtain some rights in a male dominated society. The financial rights granted to women in the shari'a courts are especially important for those who do not have alternative means to support themselves. The shari'a court in this case provides the only frame of reference which women can use in order to obtain some rights. I would argue that because it corresponds to their reality, here is where its power lies. Women also may bargain in this patriarchal system using different arguments in order to obtain access to more rights, i.e., the right to terminate her marriage, in addition to financial security.

The above court cases reveal different realities faced by women inside the shari'a court. The status of women in the shari'a courts is not immutable or fixed but informed by several factors and by the dynamics between them. To look at the textual analysis of the OLF, and the patriarchal relationship implied within it, is not enough to understand and study the status of women inside these courts. The legal text cannot be divorced from other factors that play an important role in the way they affect women. In the above cases we can see how women as well as men tried to use different arguments to negotiate their rights, and to move between the space available to them in the court. For example, men in a few cases have tried to use the patriarchal structure of gender relations in the classical family laws to their benefits, such as the duty of women to obey their husbands and not to leave the marital house, although these claims were not accepted in all cases. In other cases spouses used arguments based on procedure in order to get more rights.

Various factors could also affect women differently. We will also look at some of the factors that the above-mentioned petitions revealed:

1. The Secular law:

The effect of secular law on women's lives is very contested in the literature. According to Layish, the ban on polygyny and on divorcing the wife against her will "upset the traditional balance, anchored in Islamic

63 See for example Alkashaf 1997/1, decision 97/65 and 1997/2, decision 97/151.

In case 97/65 the husband accused his wife of disobedience, filing a complaint against him with the police for abusing her and issuing a restriction order. The wife replied that she was ready to return to live with him but he didn't prepare her a shari'e house, and that she was manipulated into leaving.

64 Kandiyoti, 1999.

law, between the rights and the duties of the spouses.”⁶⁵ However, the above cases reveal that it is not so, as the ban on divorcing a wife against her will brings men to use other means (in this case the application of article 130) to negotiate their interests within the same patriarchal system that constructs their rights and duties, and thus their gender relations.

It proved difficult to examine other aspects of the effect of secular law on women's life as none of the decisions above refer to secular law. (In one case a woman had mentioned the fact that her husband had a second wife, but the judge did not comment on this issue when he issued his ruling).⁶⁶

2. Differences

In order to get a better understanding of the status of women inside the shari'a court we should look at other divisions such as class issues, which may affect women differently. In the cases of judicial divorce, the issue of dower, the most debated point in those cases, could affect differently the women from the lower classes who do not have other means to support themselves. Other divisions such as age and education could be crucial in those cases.

3. The role of the arbitrators:

The strong position of custom inside the shari'a court, as manifested by the arbitrators, definitely had its effect on the status of women in the court, as they are not positioned equally within society. The arbitration council is not a neutral council, but instead operates within the context of domination where women are inferior to men, and thus their interests are more likely to be dismissed during the arbitration process, and especially the reconciliation attempt. The character of the arbitrator and his attitude toward women could play a crucial factor in the decision taken. The above cases reveal different decisions issued by different arbitrators considering similar cases, some of them are even contradictory to Supreme Court rulings.

4. The role of the qadi:

The character of the qadi also plays an important role in the decisions issued especially due to their central role in establishing 'discord and strife'. The above decisions assert firstly that the establishment of 'discord and strife' depends on the conviction of the qadi, secondly that this decision cannot be challenged by the Supreme Court and thirdly that the qadi had to try to reconcile the spouses before appointing arbitrators. The wide grounds for establishing 'discord and strife' (that the above cases also reveal) does not necessarily imply that women will certainly have access to divorce, since many of the decisions depend on the personal attitude of

⁶⁵ Layish, 1993, p178.

⁶⁶ Alkashaf 1997/1, decision 96/161.

the qadi, especially when referring to the fact that most qadis in the shari'a court in Israel lack legal and shari'e background.

As mentioned above the status of women inside the shari'a court is informed by several factors and by the dynamics between them. This does not imply that women as a group do not suffer from discrimination inside the shari'a court, but the opposite, as their position and positioning in the society is a factor in the decisions issued in a male dominated institution. However the status of women inside the court is not a fixed and immutable one. This study has tried to reveal the different realities of women inside the court.

References:

- Anderson, J. N. D., *The Eclipse of the Patriarchal Family in the Contemporary Islamic Law* (eds), *Family Law in Asia and Africa*, London, 1967, 221-34.
- Kandiyoti, D., *Islam and patriarchy: a comparative perspective*, in, N. Keddie & B. Baron (eds.), *Women in Middle Eastern History*, New Haven: Yale 1999.
- Layish, A., *Shari'a and Custom in the Muslim Family in Israel* (Heb), MH, vol. 23, 1994, 337-409.
- Layish, A., *Women and Islamic Law in a Non-Muslim State*, Jerusalem : Keter 1975.
- Layish, A., *The Status of the shari'a in a non-Muslim State-the case of Israel*, Asian and African studies (27): Israel 1993.
- Mir-Hosseini, Z., *Marriage on Trial: A Study of Islamic Family Law, Iran and Morocco compared*, London: Tauris 1995.
- Moors, A., *Debating Islamic Family Law: Legal Texts and social Practices* in: Meriwether, M., and Tucker, J. (eds.), *Social History of Women and Gender in the Modern Middle East*, Boulder: Westview 1999, 141-175.
- Nator, M., *A Compilation of the Laws Applied in the Shari'a Courts in Israel*, (in Arabic), Matba'at al wehda (al wehda print house): Ramallah.
- Reiter, Y. (1997), *Qadis and the Implementation of Islamic Law in Present Day Israel*, in Gleave, R. & Kermeli, E. (edt.), *Islamic Law: Theory and Practice*, London: I.B. Tauris Publisher.
- Rouhana, H., *On Feminism and National/Religious Identity*, *Adalah's Review* (AR), Shafaram, 1999, 20-24.
- Welchman, L. (1999) *Islamic Family Law; Text and Practice in Palestine*, Women's Center for Legal Aid and Counselling: Jerusalem.
- Welchman, L. (2000) *Beyond the Code: Muslim Family Law and the Shari'a Judiciary in the Palestinian West Bank*, New York: Kluwer.

Reports:

- Adalah – The Legal Center for Arab Minority Rights in Israel, (1998), *Legal Violation of Arab minority Rights in Israel*, Shfa-amer: Adalah.
- Adalah – The Legal Center for Arab Minority Rights in Israel, (2000), *Women and Religious Courts Report*, (un-published report in Arabic), Shfa-amer: Adalah.

Adalah – The Legal Center for Arab Minority Rights in Israel, (2001), *Report to WCAR in Durban*, (un-published report), Shfa-amer: Adalah.

The State Comptroller Report, Jerusalem: Official Press of the Government of Israel. Israel 1996.

The State of Israel Report to the 'United Nations Committee on the Elimination of Discrimination Against Women' (CEDAW), Jerusalem: Ministry of Justice & Ministry of Foreign Affairs. Israel 1997.

The Working Group on the Status of Palestinian Women In Israel's Report to the CEDAW: *The Status of Palestinian Women Citizens of Israel*, The Working Group on the Status of Palestinian Women In Israel: Nazareth 1997.

Alkashaf: Kararat Mahkamat Alesteana'af Alshareia, The Shari'a Supreme Court of Appeal, Jerusalem, 1997, Part one.

Alkashaf: Kararat Mahkamat Ale'stea'naf Alshareia, The Shari'a Supreme Court of Appeal: Jerusalem, 1997, Part two.

Report on the Round Table on Personal Status Laws, HRA, Nazareth, July 2000.

Religion, Politics and Women: The Bangladesh Scenario

Meghna Guhathakurta

Introduction

Fundamentalism has been on the rise in Bangladesh ever since the Bangladesh state veered away from the post-independent ideology of socialism and secularism and underwent an Islamization process (Kabeer, 1991). But it is quite ironical that though fundamentalist forces have been systematically rehabilitated and encouraged through the two military governments it is through their participation in the pro-democratic movement and the support which they gave to a democratically elected government of 1991, that they emerged stronger than before. In fact, all would have gone well for the fundamentalists if it had not been for the massive mobilization process generated by the Gono Adalat (The People's Tribunal) led by Jahanara Imam.¹ This brought back to the political forefront the demand to try leaders of Jamaat-e-Islami, (a party which gave all other orthodox religious parties national support by virtue of being represented in Parliament) for committing war crimes during 1971 in collaboration with Pakistan. In the fight which ensued, between the people on the one hand and the establishment on the other, the establishment set itself the role to 'maintain law and order.'

This line fitted in well with the fundamentalists who spoke of control and maintaining a predominantly male-dominant status quo – a strategy similar to the one usually taken towards women in general! Religion came to be used as one of the primary means by which male-dominant values and existing gender-oppressive ideology were imposed and perpetuated. It created a division between the private and the public; separated the personal from the political. It thus became a weapon in the hands of the establishment to use time and again to demonstrate a semblance of order, stability and control in the face of growing unrest and dissatisfaction with the Government.

The current economic situation of Bangladesh also brought the woman question to the forefront. With donors emphasising the incorporation of a Women in Development (WID) strategy in developmental thinking, and

¹ Jahanara Imam, author of *Ekatorrer Dinguli (Of Blood and Fire)* and other books, mother of a martyred freedom fighter, gave courageous leadership to the movement against the fundamentalists and succeeded in mobilizing public opinion in favour of pro-Liberation forces at a critical juncture of Bangladesh's history. Suffering from cancer, she breathed her last on 26th June, 1994.

Non-Governmental Organisations (NGOs) and garment factories drawing out women in ever increasing numbers into the work force, the growing visibility of women became an added threat to fundamentalist ideologies.

It was advantageous therefore for the fundamentalists to take women who step outside the bounds of social norms as their next target since they represented a potential threat to the male-dominant status quo. Their target has ranged from well-known public figures such as Jahanara Imam, women's rights activist Sufia Kamal, writer Taslima Nasrin to NGO workers or vulnerable village women. Recently of course this target has been enlarged to include progressive minded journalists who write to raise the consciousness of the people against these forces.

In this paper I wish to discuss two cases in which women have come under attack from orthodox forces (a) the fatwa² incidences (b) the case of Taslima Nasrin. In both these incidences I will record the reactions and responses of the women's movement in Bangladesh.

Using Religion Against Women

There is a new regime of growing fundamentalist fervour, which is being supported and strengthened by an establishment bent on maintaining the status quo, both in relations to politics in general and to gender relations in particular. This is leading to newer more specific forms of violence against women; a violence which requires the support of village elites being in a position to order (fatwa jari) the burning or stoning of a woman, regardless of existing legal institutions.

On 10th January 1993, the incident of Nurjahan and Chattakchara village in Moulvi Bazaar district of Sylhet started the ball rolling. Nurjahan who had been living with her parents after her first husband left her, was married the second time, after her father had got all the necessary documents of the annulment of her first marriage. But due to the vested interest of the village headman and the local religious leader, her second marriage was objected to and a salish³ was called where village elites passed judgement. The salish declared that Nurjahan should be punished by placing her in a waist-deep hole on the ground and having 101 stones thrown at her. Her parents were to be given a hundred whips each which was later reduced to 50 each. Nurjahan and her parents faced their punishments, and soon after, Nurjahan, humiliated, her dignity torn to shreds, ran home and committed suicide by swallowing pesticides. (*The Daily Shongbad*, 1994) The incident raised a hue and cry among people in general and women's and human rights organizations rushed

2 Fatwas are decrees, which are supposed to be issued by clerics well versed in the Islamic scriptures. They may relate to any matter which requires arbitration and need not be limited to women's issues.

3 Informal body at village level for arbitrating disputes.

to the spot. A case was lodged at the local court against the nine people involved in the salish on the charge of inciting a person to commit suicide. On 15th February 1994, the accused were each sentenced to seven years imprisonment.

But this did not stop such incidents from recurring at different places in the countryside. Not only were more vulnerable women subjected to shame and humiliation at the hand of the village leaders (indeed some also met their death as in the case of Nurjahan of Madhukhali, Faridpur and Feroza of Satkhira). But NGO development workers were accused of converting people to Christianity and people were instructed to abstain from taking medicines and services from such organisations, schools of BRAC and other NGOs were burnt down. In almost all cases religious leaders were supported by elites. (*The Weekly Bichitra*, 1994) It has been seen that Madrassa students and teachers who have always demanded further integration into mainstream education in order to avail themselves of employment opportunities have been particularly propagating against NGO activities in the education sector.

All this however raised little dust among the NGOs themselves. Many wished to play down the problem. Some thought that the problem was best dealt with locally. This, I think, reflects the basic ambivalence, which the developmental discourse faces in relation to its own invented categories such as 'an indigenous culture', or a non-conflictual approach towards personal and public spaces. A typical reaction to this situation was voiced by a German development worker in a seminar. He cited the case of Malaysia where NGO activities such as credit schemes funded by western donors were taking place on Islamic lines. This line of argument seems to advocate the continuation of existing developmental activity in a way that is least conflictual. Is that what the donors have in mind for Bangladesh and, if so, to serve whose interest?

The Bangladesh Supreme Court on the other hand had given a judgement, which had restricted the use of fatwas on the ground that they could be issued only by those well versed in Islamic jurisprudence. Hence the argument was that in the current situation such a context did not exist in Bangladesh. This of course raised a hue and cry among Islamist clerics and politicians. Although a staying order was issued by the Court in favour of the verdict random cases of fatwas issued against women still continue in the remote areas of Bangladesh, sometimes brought to public notice by the media. The legal ruling has yet to be followed through by enforcement agencies.

The Case of Taslima Nasrin

With the issuing of a warrant for the arrest of the writer, Taslima Nasrin on the charge of her hurting the religious sentiments of the majority of the people, Bangladesh had become the centre of international attention. This

incident however, is merely the tip of an iceberg. Behind the front-page headlines lurk issues, which go beyond the fate of a single woman writer in a country internationally acclaimed to be 'moderately Muslim'. These issues concern politics in general and gendered politics in particular.

Taslima Nasrin, an anaesthetist who started to write letters to editors at an early age and captured the attention of a younger generation of avid readers through her daily columns, became a subject of controversy first with her own colleagues then with the state. From an early phase of her writing she had been addressing the woman question in a genre which was both familiar as well as unacceptable to the Bengali reader. The familiarity stemmed from her rootedness in the more radical circles of the Bengali literati which boasted names such as Shaheed Kaderi, Nirmolendu Goon, Rudro Mohammed Shahidullah. In fact her marriage to and subsequent divorce from Rudro Mohammed Shahidullah, a talented poet popular with young radicals and who died at an early age, was both reason for her to find credibility and acceptance among the same circle as well as make her controversial among them. The reasons for controversy as in most cases with women were both her private life as well as the substance of her writing. Taslima was married and divorced more than once. That itself gave her the apparent image of fickleness and recklessness. But what was worse in the eyes of the conventional reader was that she "unashamedly" talked of women's sexuality and through that challenged male sexual aggression. The 'conventional reader' of Bengali literature who was used to receiving notions of the sexual from his reading of Bengali literature, albeit from a male perspective, was nevertheless challenged when having to deal with women interrogating maleness in the realm of the intimate. The challenge which Taslima threw to the Bengali reader was, however, well received by young students and middle-class housewives and professionals. What was unacceptable to many however was that she engaged religion and problematized it in a way which seemed imposed and unnatural in a society which also gained much of its identity from the realm of the sacred. You therefore had a view which applauded Taslima's 'feminism' but rejected her rational secularism.

But the main social furore against Taslima reached its peak first, when the Government of Bangladesh, after a discussion in parliament banned her book "*Lajja*" (Shame) and second, when a case was lodged against her for "hurting the religious sentiment of the majority of the people". The ground for this case was a statement she made in an interview by an Indian newspaper where she allegedly made remarks about the Quran, which was antithetical to the principles of Islam. Technically there is no Blasphemy Law in Bangladesh, so she was accused under this particular clause which was actually ordained during the British colonial period to protect believers of the minority religion from the majority! In both cases the grounds for accusation was slim. *Lajja* was a short novel, which was written on the spur of a moment to depict the plight of the Hindu minorities in Bangladesh,

who were targets of Muslim wrath in the aftermath of the storming of the Babri Mosque in Ayodha, Uttar Pradesh, India in 1991. Taslima merely expressed sentiments of the minority at a time when Bangladesh civil society in general seemed to be held hostage to Islamic fundamentalists. Her interview with the Indian newspaper and consequent controversy simply added fuel to fire in an already volatile situation where women and progressives all over Bangladesh were becoming targets of fundamentalist fervour. Taslima's situation was worsened by the fact that she expressed herself as an individual writer isolated from the other ongoing social movements in the country, including the women's movement. It did not help matters that she voiced a strong critique of the leadership of the women's movement in Bangladesh, which only alienated them. This had consequences for her support when she in turn was attacked and cornered, in her claims for right to freedom of speech.

Responses of the Women's Movement in Bangladesh

The slogan that the personal is political may have been coined by women's rights activists in the West, but it certainly became relevant for women in any society, where various repressive measures were followed in order to keep the personal from being political. In Bengal too, women had confronted the private/public divide from time immemorial. Rokeya Shakhawat Hossain (1880-1932) a forerunner of the women's rights movement for Muslim women, had time and again reiterated that orthodox religious leaders had played a retrogressive role for women. Men had used religion whenever women had tried to break the shackles of society. Such awareness has historically led women to challenge and confront what they perceived to be an oppressive hierarchical order. Little of this is acknowledged among those in the women's movement, who subscribe to a more development outlook on the women's issue. Such an outlook therefore tends to bypass both micro-level resistance and challenges thrown by women at the grassroots as well as the more macro-level demands of the women's movement e.g. legal reforms. However, grassroots pressure and the vulnerability of women in relation to social, legal and paralegal institutions have more recently created the need for legal literacy, leadership training and empowerment programmes, albeit within the conventional framework of development.

But the development discourse has not only avoided resistance on gender specific issues, it has also failed to take into account the various resistance movements at the national level. As such, developmental interventions have remained not only apolitical but also ahistorical. This has accounted for much of the confusion as to what constitutes the culture of Bangladesh. Much of the 'outsiders' view about this has been framed by a globalized discourse of a homogenous Muslim society. The fact that social and linguistic traditions play just as an important role, and had

played the crucial role during the independence movement of the country, seems to be largely ignored.

But this outlook has a much more serious repercussion on women's issues and how one deals with fundamentalism in Bangladesh. Whereas in the global framework, many Islamic movements in the Middle East have historically played an anti-imperialist role and have voiced protest over colonial oppression, the retrograde role played by the Jamaat e Islami as collaborators of war crimes in the Liberation War is acknowledged by Bengalis in general. But to many in the establishment, the politics of Liberation with its connotations of a linguistic cultural heritage and golden goals of self-sufficiency, strikes a discordant note in today's world of free-market enterprise and labour migration. Such alternatives are thus not encouraged by any of the pro-establishment coterie: the donors (who seek a stable world order), the Government (who wishes to remain in power and hence sustain the existing power structure) or the fundamentalists (whose existence depends on the perpetration of a male-dominant patriarchal order)! Therefore any form of resistance or challenge to the status quo – particularly if it comes from women – is trivialized, sidestepped or quelled as the case maybe. This was particularly seen when the question of support for Taslima Nasrin came along. Many organisations were willing to fight for her rights to freedom of speech but were not willing to support her brand of 'feminist politics' (Taslima herself did not call herself a feminist) nor did they support her views on religion. Indeed, many in the women's movement felt that she had gone too far too soon and that had set the movement back by several years. But in saying so they forgot that the forerunners of the women's movement in Bengal, for example Rokeya Shakawat Hossain, even in the early years of the 20th century had not minced words in engaging religion and the impact it has in defining women's position in society. Why should one do so now?

References

- Kabeer, N. (1991) *The Quest for National Identity: Women, Islam and the State in Bangladesh* in D. Kandiyotti (ed.) *Women, Islam and the State*, London: Macmillan.
- The Daily Shongbad*, (1994) 23rd February.
- The Weekly Bichitra*, (1994) no.45, 8th April.

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Gender and the Struggle over Public Spaces

Farha Ghannam

The distinction between the social and the political makes no sense in the modern world...because the struggle to make something public is a struggle for justice.

Karima is a sixteen-year-old woman. She is the youngest daughter of eight children. Karima, an older single sister, and two of her unmarried brothers live with their mother. Since the father is dead, Karima's movements are monitored by her mother, the two brothers, and, to a lesser degree, by her unmarried sister. Sami, the youngest brother, feels that it is his duty and right to closely monitor Karima's movements. In fact, because he is the youngest son, he cannot exercise any real power over his mother or older siblings. Hence, Karima seems to be the only member in the family that is subject to his attempts to exercise some power. They frequently fight over many issues, ranging from his attempts to forbid her from looking at passers-by from their balcony to arguments about fixing his food and doing his laundry. Controlling Karima's movements at this stage of Sami's life is central to the construction of his masculinity and his role as "the man of the house." Sami's attempts to control his younger sister intensify when he is temporarily unemployed or when there is a tension between the two.

This tension was manifested in a conflict during an *Eid* (one of the main Muslim feasts). During one Sacrifice Feast, Karima and Sami were not on speaking terms. Despite their mother's and my efforts to reconcile them, they both insisted on not talking to each other. During the two major Eids, young women are given more money and are allowed more freedom to go out with other female friends and relatives, eating at restaurants and visiting national attractions such as the pyramids, the zoo, and various public parks. When one of her friends proposed a visit to an amusement park in another neighborhood, Karima accepted immediately. Since the mother and the sister were outside at the time, Karima did not inform any family member of her plan. When Sami noticed her absence around 11.00pm, the mother tried to cover up for her, but soon he realized that his mother did not know where Karima was. He was very upset and, as his mother described, kept on going up and down the stairs anxiously waiting for Karima. When she came back around midnight, the mother warned her that Sami was very angry and that she should hide under the bed until her mother was finished with her bath. Karima did not take her mother's warning seriously and sat down in the living room to watch television. When Sami came back, he immediately attacked her and started hitting her

in the face. Then he dragged her by the hair from one side of the apartment to the other and hit her head against the wall several times. The mother, who heard Karima's screams, came out half-naked from the bathroom and, with the help of their next-door neighbors, managed to calm him down. They all said that Karima was mistaken and that Sami had the right to discipline her. However, they scolded Sami for his brutality and questioned his method of punishment because he could have caused her permanent physical injury. When Karima told me the story in private, she emphasized that her brother was right and that she was not supposed to stay out that late, even with a close friend, without telling her mother. Even though she refused to talk to him for months, she repeatedly expressed appreciation for her brother's concern and affection.¹

This is an extreme example of the attempts of males to control their female relatives' access to public spaces. On the one hand, it shows the failure of Karima in negotiating her access to public space; on the other hand, it exemplifies how physical force (and more often the threat of its use) is employed to secure the compliance of women to their families' rules. This case also conveys that struggles over space are not limited to those between the people and the state, the subject of discussion in the previous two chapters. Gender, age, and religious groups also continuously struggle with each other and with the state over space and how it should be used and organized. As my following discussion of the workplace illustrates, such struggles are central to the attempts of men (and old women) to reinforce gender inequalities. The attempts to control women's access to the workplace, I argue, are not limited to the desire to control the female body and female sexuality. There is also a strong desire to control women's minds, the knowledge they have access to, and the kind of solidarities they may form. Then I focus on the social meanings attached to the coffee shop and the vegetable market to analyze how these meanings are negotiated, how they are linked to the increasing tendency for people from different groups to mix in the same area, and how they are related to the state's efforts to maintain current power structures.

The Private and the Public as Objects of Study

For the Arab, there is no such thing as an intrusion in public. Public means public.

Life in the Middle East has been often viewed in terms of a clear dichotomy between the private world of the woman and the public world of the man, such that men, seen as dominant and powerful, monopolize the public domain, while women, viewed as subordinate and powerless,

¹ After beating a female relative (usually a sister or a wife), especially if that happens for what is considered a 'trivial' reason, the male relative apologizes to her, offers her tea or a cold drink, and often gives her some money to compensate for the pain he caused her.

are secluded and confined to the private sphere. Women's segregation has often been seen as central to men's sense of honor, and seclusion has been analyzed as a mechanism to control women's sexuality, which is perceived by the society as powerful and potentially destructive (Mernissi 1987; MacLeod 1991; Hessini 1994).

The distinction between the private and the public has been viewed as a separation between "two different worlds" (Abu-Lughod 1986; Mernissi 1987). Mernissi (1987), for instance, argued that "space boundaries divide Muslim society into sub-universes: the universe of men (the *umma*, the world of religion and power) and the universe of women, the domestic world of sexuality and the family" (138). To cross the boundaries that separate the public from the private, women need to protect themselves and prevent any potential social disorder or (*fitna*) by wearing the veil. Women thus can "enter men's public space only by remaining shielded in their private space," and the veil is seen as a "symbol of interiority" (Hessini 1994: 47) that renders the woman "invisible" in the street (Mernissi 1987: 143). Such studies, though they have much to offer to the study of the politics of sexuality, usually limit their discussion to women's access to paid work and limit the complex relationship between space, knowledge, and power to the control of women's sexuality. In addition, in these studies the meanings of *public* and *private* rest on gender-biased notions, and the public in particular has been conceptualized from a male point of view (Gilsenan 1982; Gerholm 1977; Ossman 1994). Focusing usually on the marketplace and the mosque, the public realm has been viewed as consisting of the "main places where men interact, where they see other men and where they themselves are seen" (Gerholm 1977: 165). Women's practices continue to be seen as part of the private domain even when they are conducted outside the housing dwelling – in the alley or the *hara*, for example (Nadim 1985; Abu-Lughod 1987). Therefore, while men sitting on the side of the street are considered as part of the public, women who fetch water from the village well are perceived as part of the private (Gilsenan 1982). In short, women are constantly viewed as privatizing the public. At the same time, men are often viewed as a unified category, with little attention to how young men's access to various public spaces may be restricted by their parents and/or the government.

The dichotomy between the private and the public has been criticized by several scholars (Nelson 1974; Altorki 1986; Hegland 1991; Fraser 1992; Benhabib 1992). Feminists in particular have shown that the distinction between the private and the public "has been part of a discourse of domination that legitimizes women's oppression and exploitation in the private realm" (Benhabib 1992: 93). More theoretical studies have shown how the notion of "public" has changed over time (Sennett 1977; Calhoun 1992). Currently, as Fraser (1992) showed, *public* is used to mean "state-related," "accessible to everyone," "of concern to everyone," and "pertaining to a common good or shared interest" (128). *Private* usually

refers to private property or to “intimate domestic or personal life, including sexual life” (Fraser 1992: 128). There is a need, therefore, to continuously question who is defining what is “private” and what is “public” and how the distinctions between them shift over time and are being negotiated by gender and age groups.

My aim here is not to deny the gendered nature of the separation between the “public” and the “private.” Rather, I argue that by assuming a rigid dichotomy and fixity in the separation between “the world of men” (always equated with the public) and “the world of women” (always equated with the private), the analysis fails to account for the continuous struggle to define the boundaries between the private and the public and how their definitions are central to the reproduction of power relationships and the reinforcement of gender inequalities. In this chapter, I want to show that we should go beyond emphasizing the gendered character of public space to examine which, when, why, and by whom certain public spaces are closed or opened to age and gender groups. This examination is a necessary step to understand how the meanings of various spaces are constructed. While women are encouraged to frequent some spaces, such as the mosque, other spaces – for example, the workplace and the vegetable market – are constructed in negative terms. Even though women are subjected to more restrictions, young men also have to struggle with their families and with the state to secure access to public spaces such as the street and the coffeehouse. Before proceeding to discuss the gendered character of public space, I will examine the notion of “privacy” and how the housing project introduced new ways to separate the private from the public.

Privacy and Modern Housing

Men have, through modernity, established a firmer claim on urban space but the city is ultimately possessed zonally, fleetingly and sometimes randomly and not by a particular gender, group or tribe.

According to *Merriam-Webster’s Collegiate Dictionary*, privacy² is defined as “the quality or state of being apart from company or observation,” “freedom from unauthorized intrusion,” “a place of seclusion,” and “secrecy.” Like some other societies, people in al-Zawiya do not have a specific word that designates the English meaning of “privacy.” Similarly, Arabic-English dictionaries such as *al-Mawrid* tend to present a limited sense of the meaning of privacy, which is translated as *’uzla* (seclusion and solitude) or *sirriya* (secretiveness), while the *Oxford*

2 The notion of privacy has not been sufficiently addressed in the literature on the Middle East. Aside from the dichotomy between outside (public) and inside (private) and its relation to Islam, little attention has been devoted to the meaning of privacy and how family members, and not only women, construct and negotiate notions of privacy.

English-Arabic dictionary adds to the meaning the words *wihda* (loneliness) and *khalwa* (retreat).³ Not one single word indicates a desired, positive temporary separation of the self from others. No one in al-Zawiya would ask, “Do you want to be alone?” No one would say, “You invaded my privacy” or “I need some privacy.” Stories often describe how Egyptians did not understand the need of their foreign visitors to be alone, especially when they were sick (see, e.g., Rugh 1984). In fact, people feel sorry for those who live on their own. I was pitied because I was childless and did not have company when my husband was at work. Women therefore not only encouraged me to visit them to avoid being alone but emphasized the importance of having a baby to entertain me (*yisallani*). Similarly, when Nadia’s husband traveled to work in Saudi Arabia, she moved to stay with her parents for more than two years. She feared living on her own and felt that it was safer and more enjoyable for her and her child to be with her family. Being with others is very central to people’s daily life, and being on one’s own is seen as dangerous and scary.

The absence of an equivalent Arabic word for the English concept of privacy does not mean the absence of concern about family life, domestic affairs, and bodily functions in al-Zawiya. This concern was manifested in the state public discourse and continues to be central to how people conduct their daily life. As discussed in the first chapter, the state discourse placed great emphasis on the need to separate nuclear families and conduct intimate actions related to the body, such as bathing, in designated areas away from others. Children should not see their siblings bathing or their parents engaged in sex. At the same time, each nuclear family was to occupy its own separate unit.⁴ The contracts given to families when they were relocated make a clear distinction between the spaces that are controlled by the individual family and other spaces that are to be collectively used. The enclosed space of the apartment belongs to the family, while spaces outside the units such as the staircase and the rooftop are to be jointly managed. The contracts call upon people to form an owners’ union (*itihad mulak*) to regulate the use of these spaces. The

3 The word *khas* means among other things “private” or “personal,” while *‘aam* means “general” or “public.” These two words, however, do not have the same connotations implied in the Greek distinction between the *polis* or the public domain and the private domain of the family. Among certain social groups, the Arabic word *khususia* is increasingly acquiring a meaning that is similar to the English word *privacy*. But this meaning is still far from being universal and is absent in al-Zawiya al-Hamra.

4 As mentioned in chapter 2, the distribution of the housing units proceeded on the basis of the number of rooms that the family used to occupy in Bulaq. It was only when more than one nuclear family shared the same unit that each was given a separate apartment. Some families managed to acquire more than one unit by bringing a relative from the countryside. Abu ‘Abdo, for example, brought his mother-in-law from Upper Egypt when he heard about the plan to relocate them. He then appealed to the local authorities and managed to get an extra one-room apartment because his family was large and his mother-in-law was staying with them.

project created a dichotomy between the domain of the family and the rest of the community. For instance, rather than seeing the rooftop as an extension of the whole building and viewing it as open to all the residents, the current view is that the rooftop belongs to the families who live on the top floor. They have the right to use and regulate who has access to it. As reported for the Algerian housing project discussed in chapter 2⁵, “The outside now corresponds exactly to the opposition between the family nucleus and the neighborhood, between the apartment and the rest of the building” (Bourdieu 1979: 89). With the absence of the previously shared spaces such as the roof and the bathroom, many (especially the better off) can afford staying apart from their neighbors for days. This absence features prominently in narratives about the past and the current lack of cooperation between neighbors and decrease in exchanges of goods (especially of food) and services. The new apartments, and their doors, make it possible to have little interaction with others and to avoid neighbors.

Open Doors, Closed Homes

I was only seven years old when we were relocated. I remember a Christian friend of my mother who described how happy they were with the new housing units that they moved to in al-Zawiya al-Hamra. We all were so excited about moving. My friends and I used to talk for hours, imagining how life was going to be in the new apartments. We used to picture the new bathrooms and count the number of showers that we would take in the morning and evening. We were very happy while we were helping my mother pack our belongings. It was only when I saw them removing the door of our room that I felt deep sadness, pushing me to weep very hard. Without realizing it, I found myself holding the door tight screaming, “I do not want to leave, I do not want to leave,” but of course my parents and siblings would not allow me to stay. We all were crying when we moved.

The “door,” as noted in chapter 1, had a special significance in Sadat’s *infitah*, or “open-door policy.” This policy, as stated by Sadat (1981) himself, aimed to “open the universe...open the door for fresh air and remove all the barriers and walls that we built around us to suffocate ourselves by our own hands” (12). While Sadat’s policies aimed to open the door to the outside, at the local level doors were utilized to enclose and separate nuclear families from each other. The modern family was perceived as a nuclear family that occupied its own separate apartment and had a door that enclosed its activities and defined its separate boundaries. Doors have a special significance in how people depict attachment to the old location and current interaction in the new project. As the above narrative reveals, the door mediates the relationship between the social actor, the housing unit, and the larger community. The door is recalled when people remember the past and point to how space connected them

5 Please see note on page 102.

in Bulaq while it separates them in al-Zawiya. Many used to live in rooms that opened on a common hallway (*fasaha*), and the building (*bayt*) had one door that enclosed them as a unit. The statement “We did not use to close our doors” is made to signify a complex set of relationships, manifesting security, closeness, trust, and honesty, that is said to have characterized the old location. In comparison, *el-masaakin* are formed of residents who come from different parts of Cairo and various Bulaqi alleys. The security that was guaranteed through long-formed relationships was disrupted, and the basis for leaving doors opened was shaken. Simultaneously, the new housing units provided families with the possibility of closing their door to reduce contacts with their neighbors and the rest of the community. The door has thus made it possible to separate the self from others and has allowed the control of interaction between social actors. As Bourdieu (1979) described for the Algerian rehousing project, “The outside world begins at the front door” (89).

Since relocation, the door has become more important in mediating the interaction between the family and others. It has become the entrance to the family’s life, its exit to the outside world, and the gate that is used to communicate with others, establish or restrict relationships with neighbors, and express solidarity with the rest of the community. In short, it is the ‘gate’ that regulates the inclusion and exclusion of others from the family’s life. This is not to say that the gate is rigid. In fact, because the rules that regulate this gate are flexible and change according to the context, the door becomes the locus of tension with others. Closing the door can be translated as separating your world from others when there is tension between neighbors, especially in *el-masaakin*. The door symbolizes and reinforces the distinction between ‘us’ and ‘them’ when there is tension between neighbors.

The special importance of the door is revealed on a daily basis because it functions like a thermometer that indicates the fluctuation of the relationship between neighbors. The families of Um Mahmmod and Um ‘Emmad are two of the few families that continued to live next to each other after the relocation. Their memories of their life in Bulaq have created a sense of closeness between the two families and openness between their apartments that is not common in other blocks. The two women think of themselves as sisters, a fact that is manifested in how the children of each family call the other woman *khalti* (mother’s sister). Although physically the two apartments are separated and have their own wooden doors, there is a continuous flow of news, objects, and people between the two units. The doors are usually open (especially in the summer) from morning until late at night. This changes, however, when there is tension between the two families. The number of visits decreases rapidly, and some members who are directly involved in a conflict may stop talking to each other. In this context, the door gains more significance. How one opens and closes the door signals feelings of anger, disrespect, and frustration. When a young woman of the two families slaps the door hard while one of the neighbors

is passing, she is making a clear statement about her anger. If she closes the outer door of the apartment while her neighbor's door is open without looking and asking for permission from anyone near the door, a conflict erupts between the neighbors because this action is seen as disrespectful. Only when neighbors are not on talking terms do they close the door without asking for a permission. Um 'Emmad laments the days of Bulaq when she and Um Mahmmod would settle their problems without delay and would check on each other if one of them did not see the other for a few hours. In *el-masaakin*, however, she says, one could "die while the door is closed and without anybody knowing." This is a common expression that is used to express the extreme condition of isolation that people feel in the new apartments compared with the old ones. It signifies the rigid distinction that has been created between the domain of the family and the rest of the community.

The door and the ability to enclose the family's life introduce a new definition of privacy. Families' reactions to this new possibility vary depending on their members' education, economic status, and religious views. There is especially a marked difference between the better off and the needy. The needy (such as Um 'Emmad and her family) see in the door and the growing separation from their neighbors not a positive change that protects the family but a barrier that reduces interaction and cooperation within the community. The relatively better-off families (such as Um Mahmmod's) see in the door a welcome development and tend to introduce physical changes to their units that secure more visual protection. This can best be exemplified by the wall that has been introduced to create a space that mediates the interaction between those who are standing at the door and those who are inside the living room.

Seeing and Privacy

As mentioned in chapter 2, the living room is the main space where family members interact with each other and with visitors. They eat, drink tea, and watch television in this room. Like the *maglis* in Lebanon (Gilsenan 1982) and the *mafraj* in Yemen (Gerholm 1977), the *saala* is on the border of the private and public. During daytime, it is public and open to visitors (both men and women), while at night it is privatized and used as a bedroom for family members. Both men and women tend to secure their privacy in this space by dressing modestly. In addition, when the doors of opposite apartments face each other, families who can afford it have added a new half-wall that separates the living room from the kitchen and creates a space called *turqa* (corridor or hallway). Without this wall, the *saala* is exposed to the eyes of the neighbors when the door is open (see Figure 1). The new *turqa* makes it possible for the person who answers the door to have full control over the interaction with the visitor. Here it is important to notice that there is a strong relationship between seeing and the sense of

privacy. The new arrangement allows Um Walid to secure the protection of certain actions. She needs visual protection, for instance, to avoid certain undesirable social obligations, especially sharing food, with neighbors. Um Walid not only closes the apartment door before serving the food but also hides the meat under the rounded table (*tabliya*) until the time for its distribution (usually toward the end of the meal) to her family members. If neighbors see the meat, they should be invited to have some. It is the act of seeing (and not smelling, for instance) that makes it obligatory to share the food. Privacy in this sense “appears as an escape from the demands and burdens of social interaction” (Moore 1984: 14).

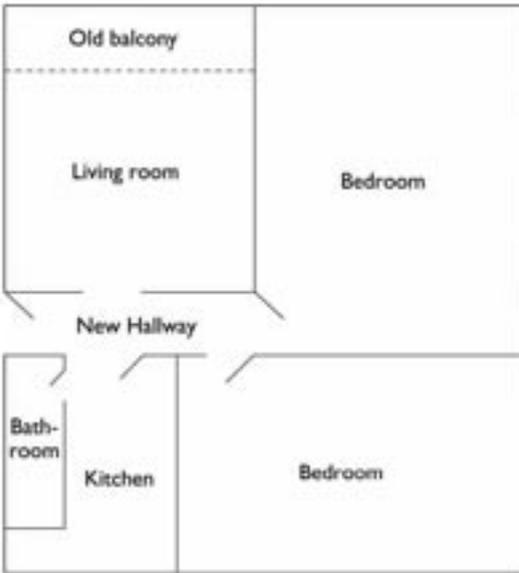


Figure 1

wear full makeup, fix their hair, and dance in front of male and female guests in weddings and birthday parties that often take place in the street. This is a celebration of their beauty, sexuality, and skills as dancers. As long as it takes place under the gaze of the family and the rest of the community (men and women), dancing is not stigmatized or prevented.

At the same time, sharing a bed with a sister, a mother, or a female visitor is accepted. Daughters may prefer to sleep in the same bed with their mothers in winter to keep warm or simply because they feel lonely when sleeping in separate beds. But, the apartment, which may be the most private space, becomes more ‘public’ for women at night. Female members wear pants under their long dresses (*galaliib*) because the rooms where they sleep are accessible to their male relatives, and mothers

Central to the regulation of the relationship between the self and others is the control of what, when, and how the self is to be seen by others. Here it is important to point out that regulating acts of seeing does not mean a total shielding from the eyes of others, as argued in relation to “the Islamic city” (see Abu-Lughod 1987). Rather, it is the attempt to control who sees whom and under which conditions. Thus, while young women are encouraged, and in many cases required, to wear the scarf to have access to the workplace and other public spaces, they are allowed to dress in fancy clothes,

describe how the presence of children prevents them from wearing revealing nightgowns or using makeup. The body becomes the most intimate space that should be protected from the gaze of others. Similarly, sexual relationships change to a large extent after the birth of the first baby. Since children are not required to ask for permission before entering their parents' room (when the parents have their own separate room), intimate relationships between couples are exclusively limited to night-time and only after the children are completely asleep. Many women reported that they have not seen their husbands' naked bodies for fifteen to twenty years. The body in this context becomes the most intimate space that should be protected and regulated. This protection is central to the meaning of privacy in al-Zawiya.

Rather than a separation between two domains, this notion of privacy rests on regulating encounters between the family and outsiders as well as among its members. This regulation is crucial to the negotiation of changes that people introduce to their units and that threaten to violate the privacy of others. This can be elaborated through revisiting the changes that people introduced to the main balcony, briefly examined in chapter 2. Over the last fifteen years, this balcony, which overlooks the public land in the middle of the square (*murabba'*), has been changed in various ways that enable family members to see what happens in the center of the *murabba'*. Because these balconies open on the middle of the *murabba'*, they are not seen as violating the privacy of other families. No negotiations are required between neighbors to implement such changes. The situation is different when one family opens a new window that may expose the bedroom or the kitchen of another family. In this case, negotiations are needed, and families who are threatened by the gaze of the neighbors can prevent such changes. "Our neighbors allowed us to open a new window in the bedroom because they know that my sons are well-mannered and that they will not look at their apartment," Um Hassan explains. This window, which overlooks the bedrooms in the opposite block, remains closed most of the time and is opened only in the night when it is hot to cool the bedroom or when Um Hassan lowers her basket to buy some groceries from the kiosk that is attached to their block. A certain resistance to being exposed to the gaze of others is manifested in balconies (usually on the ground floor) that have been covered with wooden shutters that do not allow passersby to peek inside the unit.

Privacy is a relational concept that is context bounded rather than a rigid dichotomy between two separate domains. Privacy here indicates all the actions that should be protected from the gaze of others (whether family members, neighbors, or officials). This makes it important to examine the role of social actors in negotiating and redefining the meaning of privacy. For example, domestic violence is considered 'public' in that people are expected to step in to stop a fight between family members. Neighbors who fail to do so are blamed. Tension may escalate and relationships may

be temporarily severed because one family did not interfere to mediate a conflict in the next-door apartment. This was painfully expressed in a story told by a female informant. One man used to beat his wife, but as soon as she started screaming, the neighbors rushed to help her. To avoid this interference, the man shifted to removing all his clothes before beating his wife. In this way, the man 'privatized' an action that is considered public and managed to prevent others from helping the wife. Using his naked body, which should not be seen by others, the man managed to discourage others from helping his wife.

Engendering Public Space

Rather than a fixed boundary dividing the city into two parts, public and private, outside and inside, there are degrees of accessibility and exclusion determined variously by the relations between the persons involved, and by the time and the circumstance.

Public spaces are gendered in that they "both reflect and affect the ways in which gender is constructed and understood" (Massey 1994: 179). While men have more freedom touring the city and enjoy less restricted access to various public spaces, women's movement is structured by several factors such as age and dress code and is restricted to certain times (for example, day or night and times of the absence of menstrual and birth blood). Men and women are expected to perform differently in the street. As men walk, they scan the area around them, ready to mediate in fights or to help in any emergency. Their masculinity and reputation are contingent upon their ability to interfere to protect a woman, correct a misbehavior, or help in rescuing people in an accident. While teasing and making comments that target young women from outside their immediate surroundings are perceived as a source of enjoyment and entertainment, young men should refrain from targeting women from their *murabba'at* or streets. In contrast, a young woman who is walking alone should show modesty by taking a serious posture that is manifested in walking fast and avoiding looking at men or responding to their comments. As one man emphasized, a young woman who answers back risks being insulted further, attracts more attention to herself, and may cause a conflict between her male relatives and the man who harasses her.

While men can and often do go out almost at any time (day and night), women do not usually go out late at night without being accompanied by a male relative or a female friend. They usually prefer to walk arm in arm. They are more relaxed when walking in a group, laughing and chatting loudly. When they are walking with a male relative, he assumes full responsibility for their safety. Sometimes conflicts may erupt if the male relative feels that other young men are being offensive in their comments or the way they look at the female relative. In contrast to the young, older women have more freedom and can walk alone without

the threat of harassment. The power older women acquire over time is manifested in more mobility and more confidence while in streets, stores, and marketplaces. So they can talk in loud voices, can address strange men directly, and can answer back verbally and physically if they feel they are being treated disrespectfully.

Men, as manifested in the story of Karima, try to regulate the movement of their sisters, wives, and mothers. The realities of daily life, however, make men's attempts to restrict women's access to public space an ideal more than a practical possibility.⁶ More often, women take charge of their families, due to the absence of the husband (because of his death, old age, or employment in Cairo in more than one job or in one of the oil-producing countries). Women thus not only take care of their family affairs in the 'domestic sphere' but also are the main agents in negotiating the daily needs of their families, bargaining in the market, and forging social support networks. Above all, they have the time and skills needed to negotiate and follow up on matters related to the Egyptian bureaucracy.⁷ Employing a set of strategies that range from pleading, entreating, and invoking blessings to offering money, cigarettes, and food to officials, women often manage more successfully than men in negotiating their families' needs. For instance, people in al-Zawiya usually install a wire from the road electricity to light up the street during wedding celebrations. Um Mukhtar, a widow in her late forties, was not lucky during her daughter's engagement party because some officials saw the connection and imposed a fine of three hundred pounds. She was not lucky again because the officials talked to her younger brother (a teacher in his mid-twenties), who "did not know how to handle them," as she explains. "I could have given them thirty pounds and offered them soft drinks and some food to overlook the wire. My brother just took the ticket. He was too proud to argue with them. I talked to some officials who told me that it was too late to do anything about it. Well, I will try again with some other officials to at least reduce the fine.."

While women who go often to the market, the mosque, and government offices to attend to the affairs of their families are not restricted, their movement is closely controlled when it is motivated by socialization or is leisure oriented. Women, especially the young, like going out (*fusha*). *Fusha* implies going out to the open space to enjoy fresh air and the company of others. The most preferred visits are to the seaside during the summer and to local attraction centers such as parks and the local zoo during the winter.⁸ The further the trip is, the more restrictions are put on

6 Various studies suggest that segregation is class based. While rich families can afford, as Tucker (1993) argued, to keep women at home, economic needs frustrate the attempts of the poor to keep women secluded.

7 This has been reported in projects in other countries. See, for example, Shami (1996) for a discussion of an upgrading project in Jordan.

8 In some cases, young women secretly go out with a boyfriend or a fiancé to some of these local attractions, especially the zoo and el-Qanatir.

the woman to be with other women or male relatives. Permissions for visits inside the neighborhood are usually easy to obtain, and young women often simply inform the mother that they are visiting a friend or a neighbor. Traveling to other parts of the city, however, demands more negotiation and preparation. The verbal permit to travel inside the city and outside it can be granted by various family members – the father, the mother, an older sister, or a brother, depending on the context. A clear ‘yes’ is needed when the trip is outside the city; on such occasions, the father is usually involved in the decision, with mediation from the mother or older siblings. When the mother agrees to allow a daughter to go on such a trip, it is difficult, if not impossible, for the father or the brothers to reverse the decision.

It is important to remember that women’s access to public space shifts and changes over time. Many factors – age, marital status, economic need, the number of children, and the background of the “social guardian” (education, age, job, gender, and regional culture) – shape women’s access to public space. Although women enjoy relative freedom under the supervision of their mothers while they are single (including the possibility of working outside the home), their movement becomes more restricted after marriage. In his attempts to assert his power as the “man of the house,” the husband tries to restrict the movement of his wife to a large degree, especially during the first few months after marriage. Most husbands argue (often without success) that their wives should wait for them at home until they come back from work. A man may not allow his wife to visit her parents, even when they live nearby, without notifying him first. These restrictions stimulate desires for consumer goods, especially TV and tape recorders, to keep the woman entertained while the husband is absent. At the same time, some of these modern appliances, such as the phone, highly desired by young women, are being manipulated in men’s attempts to restrict women’s movements. Mona quickly learned to resent the phone that enabled her groom to call every hour from his shop (which is two hours by bus away from home) to make sure that she was at home. The husband’s restrictions are usually relaxed when the wife becomes pregnant and has their first child. However, the presence of children often restricts women’s movements. The birth of a child ties the mother down for a while and reduces her long-distance mobility, such as visits to other neighborhoods or to her home village. Still, over time, women become more mobile and free to move inside and outside the city.

The ‘right’ of a husband to regulate his wife’s movements is usually accepted by men and women in al-Zawiya and is strongly supported by religious discourses circulated in the mosque and through audiotapes. Rather than directly debating this right, which would lead to physical violence and social condemnation, women tend to cooperate with each other and employ various tactics and strategies to escape the control of the family on their movement. Um Mohammad, who lives in *el-ahali*, has a short-tempered husband who tries to control her movements and determine

which neighbors she can visit. He decided that one neighbor, Um Fathi, “was not a good woman” because she always fights with her neighbors and swears by using the usually male-designated phrase *’alyya italaq* (“May my wife [or husband in Um Fathi’s case] be divorced”). Abu Mohammad especially forbade his wife from visiting Um Fathi after she had a big fight with one of their neighbors. He feared that such visits might cause a conflict between his wife and their neighbors. Um Mohammad, however, likes to visit with Um Fathi. She tries to do that during the daytime when Abu Mohammad is at work. When she needs to visit Um Fathi during the night while her husband is at home, Um Mohammad coordinates with another neighbor, Um Walid. They may pretend that they are going to a local store or visiting a sick friend. Then they choose a route that will not make Abu Mohammad suspicious of their destination and discreetly look back to make sure that he is not watching. This process is facilitated by the several multiple crowded lanes in *el-ahali* that allow Um Mohammad to disappear in one of them without being easily observed. Such strategies provide women with flexibility to satisfy their own preferences while avoiding conflicts with husbands and showing compliance with social norms.

Symbolic Violence and Struggles over Public Spaces

But inside and outside are not situated side by side, each one constituting a separate domain; indeed, on the contrary, they are reflected in each other, and it is only by this opposition and this complementary nature that they reveal their true meaning.

In addition to physical violence inflicted occasionally both on young men and women, symbolic violence is central to controlling their access to public space. Like other forms of domination, men’s domination presupposes “a doxic order shared by the dominated and the dominant” (Krais 1993: 169). This order is internalized by social agents, structuring their practices and perceptions of the world around them. It is this order that men (and older women) try to maintain through their attempts to restrict women’s access to some public spaces. Rather than seeing this system as imposed on them by others, women accept this as part of the taken-for-granted domain. Notions such as love, solidarity, care, and modesty are interwoven with power inequalities between family members in such a way that, when her brother beats her, Karima feels that it is because he cares for her. This is exemplified also in women’s insistence that if a man really loves his wife, he will not allow her to work outside the house. In short, “patriarchy seated in love may be much harder to unseat than patriarchy in which loving and nurturance are not so explicitly mandated and supported” (Joseph 1994: 58). Limiting women’s access to public space is often justified in al-Zawiya al-Hamra by the need to protect them from the evils of the outside world. But it should be remembered that

notions such as protection, fear, and love are part of the symbolic violence that is utilized to control the production and circulation of cultural meanings and social representations. This symbolic violence facilitates the naturalization, internalization, and reproduction of gender inequalities. It is within this framework that one should examine the social attitude toward women's work outside the home.

The Workplace and Women's Access to Public Life

Um Rida has a twenty-two-year-old daughter, Halla, who works in a sewing factory. She leaves early in the morning and comes back late in the evening. The mother knows that her daughter needs the job to be able to buy the rest of her *gilhaaz* (trousseau). Although Halla is not engaged yet, she has been working on and off for the past four years, investing her money in buying clothes and household appliances and saving money to buy her part of the furniture (usually a set for the living room) for her future home. Even though Um Rida trusts her daughter very much and rarely questions her movements, she often expresses her resentment at Halla's job. The mother emphasizes that, since she started working, Halla has learned *qillit il-'adab* (bad manners or impoliteness). "Not only does she refuse to help in the household chores," the mother complains, "but she also answers back when I talk to her. She even stopped praying." The mother describes how proud she was of her daughter who (like the mother) decided to wear the *khimar*⁹ and used to perform her religious duties on regular basis. Halla tries to explain to her mother, often without success, that since she started to work, she comes home very tired and without any energy to help with the housework.¹⁰ At the same time, there is no place for her and her female co-workers to pray in the factory. Her neighbors and mother have encouraged her to approach the manager to ask him to designate a separate place for prayer where they cannot be seen by male workers.

Halla accepts the social definition of women's work outside the home and emphasizes that she will not continue working after marriage. For one thing, the pay is very low and the hours are very long. She is forced to work overtime and does not receive any benefits such as health insurance, paid holidays, or compensation when she is sick. More important, she knows that her future husband will not want her to work. Many men prefer to work in two jobs to secure the expenses of their families rather than allowing their wives to work outside the house. There is a widespread view that links a woman's work after marriage with the inability of the

9 *Khimar* is a garment that is considered the 'true Islamic dress.' It covers the upper part of the body, including the hair, the neck, the shoulders, the breasts, and the back.

10 Similarly, Halla's male siblings immediately blame her work when she refuses to serve them food late at night or to iron their clothes.

husband to provide for her. Men from Halla's home town in Upper Egypt are especially known for their unwillingness to allow their wives to work. As her mother emphasizes, "They prefer to die out of hunger rather than allowing the wife to work." Even if the husband agrees and the wife works, her relatives will interfere and take her away from her husband, saying, "If he cannot feed you, we can." Halla also knows that even if her future husband allowed her to work, he would not help with the housework, which would mean that she would end up with two jobs, inside and outside the house. Married women usually do not work outside the home unless there is a great need, as is the case when the husband is very ill or very old and cannot work or when the husband marries another woman.

But in addition to these social conventions, there is a strong association between 'bad manners,' as stated in Um Rida's narrative, and women's work outside the domestic sphere. 'Bad manners' are manifested in being able to answer back and challenge the mother's authority or being assertive and addressing other men directly. In the workplace, Halla meets other young women from different parts of Cairo, and the site seems to foster solidarity among them, bringing them together to exchange stories about their lives. Young women often feel and see the suffering of other female fellow workers, and their discussions bring part of the family's power into question. They 'eat together,' a notion that usually designates strong solidarity between people, and their relationships extend beyond the workplace to include the home and occasional trips to areas around Cairo. They may also meet their future husbands through one of their female co-workers. The relationship between female workers was nicely described by a factory worker in Cairo: "Friendship here [in the factory] is stronger than outside. We talk about nearly everything that occupies our minds....If we see a fellow worker poorly dressed whose husband is taking her salary, we show her the unfairness of it and encourage her to ask for her rights" (Ibrahim 1985: 299).

Thus, working not only provides women with some income that makes it possible for them to feel a sense of limited independence but also allows them to be part of a collectivity of women and to know more about the condition of others. Similar to other "subaltern counterpublics," workplaces become "parallel discursive arenas where members of subordinated social groups invent and circulate counterdiscourses to formulate oppositional interpretations of their identities, interests, and needs" (Fraser 1992: 123). Halla tells stories about other friends at work who suffer physical and verbal abuse by family members. Unlike her reactions when she is the subject of such inflictions, Halla's reactions to the experiences of her fellow workers are strongly critical of the social system. Halla especially voices her criticisms when one of her colleagues is about to be forced to marry against her will. With this in mind, it becomes clear that limiting women's access to the workplace not only is motivated by notions of shame and honor and the desire to control

women's sexuality but also aims to limit their access to knowledge and experiences that potentially challenge current power inequalities. In short, the struggle over access to the public sphere is part of the struggle over what Bourdieu calls the 'doxic' (1977), or the taken-for-granted domain that is central to any domination system. This, and not *only* the fear of women's sexuality, is a major source of the anxiety of parents in al-Zawiya al-Hamra who allow their daughters to work and of those husbands who do not let their wives work or who hesitate to allow them to visit their families, often until after the birth of their first child.

Women's Work and the Use of Public Space

The attempt to restrict women's access to information explains why many women work in various activities that do not take them away from the neighborhood. The fact that these activities contribute to the income of the family does not challenge the masculinity of the husband or bother the neighbors or the relatives of the wife. Women sew and embroider garments, make bead necklaces, and sell clothes. They utilize the empty land next to each *murabba'* to sell cooked foods, sugarcane, roasted corn, and fresh vegetables and fruits. Women also use this space to promote some of their seasonal home-based industries. Some women, for instance, set up ovens on the side of the lanes between the *murabba'at* to bake the *ruqaq* (thin bread) that is widely used during the Sacrifice Feast and get a specific amount of money per kilo of flour that they mix and bake. Through this utilization of space, women simultaneously publicize their activities, interact with others, and supervise their children who play nearby (see Figure 2).



Figure 2

The public space around the *murabba'at* is also used to integrate the workplace with the residence area. This not only secures extra income for the family but also enables its members, especially women, to take care of the new investment. Having a small shop next to the housing unit, for instance, enables Um Su'ad to take over while her husband is outside the neighborhood. These additions are also used as an economic safety buffer for the family when the working male relative is unemployed due to illness or being laid off. Sahar and her husband resorted to this option when he was diagnosed with diabetes, which prevented him legally from resuming his previous work as a bus driver. They managed to get the approval of the neighbors and a permit from the local authorities to start the new project. Next to the entrance of their neighbors' block that faces the bus station, they placed a *batriina* that consists of a glass-fronted cabinet and some shelves to store and exhibit his merchandise. In addition to candy, chewing gum, chocolate bars, and biscuits, Ali sells various cold juices that are prepared by his wife in their apartment during the summer and spicy boiled chickpeas in the winter. Recently, Ali got a job as a driver for an upper-class family in another neighborhood, and Sahar took over the *batriina*. Ali's new job is not guaranteed – he and his wife are not sure whether he will continue working for that family. Sahar's role is thus vital for the future security of the family. She is currently not only adding to the family's income but maintaining the right of her family to the space and the *batriina*. If Ali loses his new job, he can reclaim the *batriina* and resume his work there. These additions therefore enable women, especially married women whose work outside the home is negatively viewed, to participate more actively in the economic activities of the family and provide them with the chance to socialize with others and expand their social networks.

At the same time, these activities encourage the presence of people between the different *murabba'at*. Immediately after relocation, these spaces were “empty,” dark, and potentially dangerous. Such empty spaces are often equated with evil spirits, who may attack and harm the vulnerable passersby. This makes it unsafe for women and young children to be outside, especially at night. The continuous presence of human beings in these spaces ensures the pacification and dislocation of evil spirits. It also secures help when one is in trouble. People are always ready to help in stopping a fight or protecting a child. At the same time, being seen by others provides social control that allows more freedom of movement for women and legitimizes their interaction with men. The same is clearly manifested during Ramadan, when women are allowed more freedom to stay outside late at night. The presence of many people and the increase in street lighting facilitate women's access to public space during this month. Paradoxically, the presence of others also restrains women's movements because they become more visible to others, especially when they try to ‘sneak’ outside without the knowledge of their families. The power to restrict women's access to external spaces is thus scattered

across the community, a fact that makes women feel that they are under the gaze of their families all the time. The presence of others who may tell their families (or at least start gossiping) makes it hard for women to feel outside the control of the family. The threat of the gaze of others frames women's ambiguous feelings toward the relatively wide and often well-lit passages between the different *murabba'at* that replaced the old narrow lanes in Bulaq, where they could walk between homes with some degree of invisibility.

The view of the *murabba'at* and the spaces between them is influenced by the shuffling of neighbors and mixing of people from different parts of Cairo. The new setting is structuring both the interaction of family members with others and the way they view public space. This shift is exemplified by the growing restrictions on the access of women and children to various spaces. In Bulaq, male children were allowed to stay outside until late hours. "My parents did not use to worry about me," a man in his mid-twenties explains. "I was only seven years old when they allowed me to stay outside until midnight. My parents knew that if I got in trouble, there were many people who knew them and who would help me. Here, in al-Zawiya it is harder for parents to allow their children to be outside because they do not know the people around them." Similarly, in Bulaq, several men and women emphasized that mothers did not hesitate to allow their daughters to play with other children because they knew them and their parents. Currently, they are selective in interacting even with the neighbors.¹¹ One woman said, referring to her current neighbors, "Are these neighbors that I should allow my daughters to interact with? No, they are not good people. Their children steal from others and their mother is rude and vulgar (*lisanha tawil*). It is better to keep away from them..."

These reactions are part of a larger system that defines the social meanings attached to various public spaces. While children are encouraged to go to school, mothers often feel frustrated because they cannot totally control the upbringing (*tarbiyya*) of their children when they mix with others in "the street." A "good mother" tries to keep her male and female children "under her wings," as one woman explains. Mothers try to keep their children away from the street, which is associated with "dirty language" and "bad manners." I often witnessed struggles between mothers and young children over the latter's desire to play outside. Mothers bribe, beat, scold, and even lock up their children to play at home rather than in the street, where they might interact with others who would teach them bad habits.¹² These restrictions are directly linked to the knowledge

11 The same tendency was reported in other public housing projects in the United States and England (see Jacobs 1961).

12 It is important to note that these hopes remain more an ideal than a reality. Not many mothers have the time and power to keep track of their children's movements, especially those who have only male children.

that social actors are expected to acquire in different public spaces and how this knowledge is central to the social meanings attached to various spaces and who has access to them. In the previous chapter, I examined the word *lama*, which sums up people's reactions to the increasing mixing and gathering of a heterogeneous population in the same housing project. This heterogeneity informs the social construction of space. Public spaces such as the coffee shop and the vegetable market are considered *lamin*. The presence of a mixed group of people in the same space makes it a site where social norms can be challenged or questioned. In addition, these spaces are subject to state intrusion and control, which also shape their role in the life of young men, parents, and women.

Young Men in the Coffee Shop

Although there are coffeehouses in other parts of Cairo where women are allowed, in al-Zawiya coffee shops are open only to men.¹³ They gather there to drink sweet tea¹⁴ and to play chess, cards, and dominos inside the shop during the winter and in front of it during the summer. For many young men, the coffee shop (*qahwa*) is one of the few spaces where they can socialize with their male friends away from their families.

The coffeehouse in al-Zawiya al-Hamra is perceived ambivalently by both men and women. First, coffee shops, especially those attended by young men, are targeted by the police. There are informants (*mukhbirin*) who report to the police any activities in the various coffee shops. As one man explained, "The government fears that we gather in one place and that we may discuss politics." Second, police will target visitors to a particular coffeehouse if they suspect that a thief, a drug user, or a fugitive attends it. When the police raid a coffeehouse, they usually detain all the attendees. Young men in particular are dragged outside, slapped in front of people in the street, and beaten in the police station (*qism*), which was upgraded from a small police post (*nuqta*) after the 1981 clashes between Muslims and Copts.

Almost every young man that I met had a story to tell about himself or a close friend or relative who was taken to the police station for questioning because he happened to be in a *qahwa* during a raid. Young men and their parents dread 'visits' to the police station not only because they believe that they can be framed for crimes they did not commit but also because torture has led to the death of a few suspects in the police station. In one case, the police claimed that a man charged with theft committed suicide by throwing himself from the window of the police station. The family of

13 Due to this fact, my data on the coffeehouse are based mainly on accounts of young men and their parents.

14 These coffee shops (*qahawi*) are better called tea shops because few drink coffee while most drink tea.

the victim and their neighbors did not accept these claims and publicly protested the incident, claiming that he was thrown from the window by the investigating policemen. To avoid being taken to the police station, young men keep a watch, and as soon as they feel or hear the police coming, they run in different directions. Such experiences and fears frame the negative views of the coffeehouse.

Although police intervention may restrict the utilization of the coffee shop as a site for the production and circulation of discourses critical of the state, the experiences of young men in this space and in the police station shape their views of the government and its policies. For example, the reactions of young men to the news circulated in the state-controlled media about ‘terrorism’ and attacks by Islamic groups differ from those of their fathers and female relatives. Young men draw on cases of their friends who were allegedly framed for crimes they did not commit to argue that the same is done to others who are accused of conducting terrorist attacks.

The possibility of detention is in itself the source of anxiety of many parents. Still, mothers and fathers fear another danger that challenges their attempts to raise their children according to their ideals: the presence of strangers who cannot be trusted. Like the workplace and the street, the coffee shop brings together the good (*el-hilw*) and the bad (*el-wihish*), which means that young men may interact with others who teach them to gamble, smoke, use drugs, or drink alcohol. Coffeehouses frequented by young men are stigmatized by parents, and older men avoid patronizing them. They are also losing their prior function as places for potential employers to find and contract workers. The coffeehouse, especially attended by young men, is increasingly viewed as a space where only unemployed and worthless men gather.¹⁵ Young men therefore struggle not only with the government but also with their families to secure access to the coffee shop and other public spaces.

The Social Construction of the Vegetable Market

Opinions – about people and about politics – take shape in the network of communications in the suq; even the most severe government censorship cannot stand up against the whispered asides which pass from person to person in the suq.

There are at least two entities that people call market (*suq*) in al-Zawiya al-Hamra. One of these markets is located between the old *masaakin* and *el-ahali*, while the other is in the *ahali* area but close to the new *masaakin*. The actual market is hard to define physically. One of these structures was built by the government in 1985. It consists of several wooden booths

¹⁵ Few married men can afford to go to the coffee shop because they work most of the day, often in two jobs.

encompassed by a concrete wall. One part of the market has a roof, while the other part is not covered. Although the roofed market has been a main feature of Middle Eastern cities, traders here do not like the roofed space allocated to them by the government. There is a continuous struggle between the merchants and government officials over where the former can sell their products. The officials try to force the merchants to stay within the bounded market. Merchants, however, refuse to stay within the boundaries of this structure and take their goods to the nearby streets. Only a few traders with heavy loads or hard-to-move goods stay inside the formal 'market', but they stay in the uncovered part. The rest take their fruits, vegetables, cheese, and other products into the nearby intersection. Sellers feel that the street is more spacious, allows them to exhibit their goods to a larger number of people, and is more convenient for customers who can obtain their daily needs while passing by. The intersection and part of the main street become very crowded, and merchants compete over the space that they want to control to display their goods. The word *suq* is used to refer to both the official structure and the intersection where the goods are displayed.

The vegetable market is full of movement. Women from nearby villages bring big baskets of seasonal products, some breast-feeding their babies while older children play around; merchants move their goods to allow a car, whose driver is honking madly, to pass; a man tries to force his horse, that is pulling a lettuce cart, to proceed through the crowd; trucks try to unload; small children sell lemons, parsley, and other goods; and a man carries a tray with tea glasses to be sold to the traders. Products are piled on carts, and their sellers loudly describe the taste of the fruit, announce the prices of vegetables, and call upon people to inspect their merchandise and compare prices. Fresh and frozen fish are being sold on the corner of the street, while on the other side there is a shop with an immense woman selling internal organs, legs, and heads of water buffalo. A woman sits next to a cage with several chickens, waiting for customers who select one or two, which are then weighed, slaughtered, and dipped in the boiling water to make it easy to pluck the feathers. Another woman squats with a big basket of rice, and a group of women stand around waiting for her to weigh the amount they requested. One woman screams at one of her female customers who tries to pick a piece of cheese from the metal container. Flies continue to fly in and out of the container, but the merchant is only bothered by the fact that her other customers may feel disgusted if they see the female client putting her fingers into the container. Around the area that is defined as the market, there are shops that sell spices, fabrics, clothes, shoes, and miscellaneous household equipment.

Most of the studies of the market (conducted mainly by male anthropologists) focus on the *bazaar* or the central market, which is dominated by men (Gilsenan 1982; Geertz 1979; Gerholm, 1977). Studies of the *suq* also tend to focus more on the merchants than on how the

people, especially women, interact and view it. Little attention has been devoted to the study of local vegetable markets that women visit to buy their daily vegetables and fruits.¹⁶ Unlike the central markets and bazaars that have attracted the attention of researchers, the suq in al-Zawiya al-Hamra is dominated by women. They are the majority of the sellers and buyers. Although there are other closer options that could save them time and effort, such as peddlers and women who sell vegetables and fruits on the corner of the street, women normally prefer the more distant local markets to secure lower prices and fresher products.

In the market a woman compares prices, checks the quality and freshness of the vegetables, and then decides what to buy for the day. She checks with the merchant to make sure that the advertised price is the same as the price that he is charging. She bargains to see if the price can be reduced and reads the reaction of the merchant to ascertain when she should leave or when she should increase the offered price. Although she may know some sellers by name, she does not try to maintain a commitment or a strong relationship to a specific merchant, for if she did, she would not be able to maintain the broad bargaining space that allows her to compare and select what is suitable for her budget and needs. She picks up every single vegetable and examines it closely to make sure that it is fresh and not damaged. Then she hands the plastic bags, which she brings with her to avoid paying extra for them, to the man or the woman who is selling the vegetables. She keeps a close eye on the merchant to make sure that the weights used are correct and that he does not add any bad products. She carefully calculates the total cost and counts the change. Meanwhile, she keeps her eyes open for lettuce leaves or other vegetables that can be fed to her chickens and ducks. Some merchants do not mind if she collects some of the green leaves that they have thrown away. If she does not find anything to take back to her poultry, she may buy them some old cheap vegetables.

A central feature of the woman's interaction with the male or female merchant is suspicion and distrust. Merchants, whether those who reside in al-Zawiya or those who come from villages around Cairo, are not to be trusted because they may try to cheat on the weight, the price, the quality of the food, and the change they give back. Because women expect to engage in such arguments and disagreements, special verbal skills are taught as part of women's socialization, which includes visits to the market from early childhood. Young girls accompany their mothers to the market during school vacations and are sent alone to buy some simple things as they grow older (around ten and over). Before reaching this stage, they are taught "the language of the market" and how to be assertive so that they can bargain and answer back if the merchant tries to cheat them. Women's

¹⁶ A notable recent exception is Deborah Kapchan's wonderful study (1996) of women and the market in Morocco.

assertiveness in this context, unlike their assertiveness in relation to the workplace, is highly regarded and celebrated.

The relationship between clients and sellers is not the only potential source of conflict in the market. Women view the relationships between buyers as a more serious threat. They view the market as an unsafe place where one should be very careful because, like the coffee shop, it is *lamim*. The fear of the market is not related to a threat of vengeance or the threat of the use of weapons, as is the case in some other, male-dominated markets (see Gilsenan 1982). Rather, the presence of a mixture of strangers, as the word *lamim* indicates, who do not know each other and who are not subjected to the same social obligations makes visits to the market potentially dangerous. Women always tell stories about incidents when the money, jewelry,¹⁷ or purchased goods of unsuspecting women were stolen by other shoppers. The relocated group is usually singled out as the source of troubles in the market. "They pretend to get into a fight near the market," one man from *el-ahali* explains. "When you get closer to observe and your attention is directed to the people fighting, one of them steals your stuff without your noticing it." Just like the coffee shop and the street, the vegetable market brings together people from different areas in the neighborhood. This makes it an ambiguous space that is visited every day to get the best and cheapest products but that is feared and resented for the threats it poses to its visitors.

Like the coffee shop that shapes how young men view the state, the vegetable market is the main site that shapes women's opinions of government policies. Even though their visits to the market are usually short and goal oriented, women still hear complaints about prices and new regulations related to the market and observe the struggle between the merchants and government officials. Women's efforts to secure their daily food with limited budgets makes them experts on the changing prices of vegetables. They monitor increases in the price of tomatoes, the availability of onions, and the freshness of fish and link them with the policies and projects of the government. For instance, women were very concerned when the governor decided to relocate *Rod al-Farag* market (the major vegetable market in Cairo). They thought that the relocation of the market outside the city would cause large increases in the prices of vegetables and fruits. When I visited al-Zawiya in December of 1994, women considered the increase in vegetable prices and the shortage in some supplies to be a natural outcome of the relocation of that market.

17 This is one of the main reasons why women avoid wearing golden necklaces, which are easy to snatch, and choose bracelets instead.

Public Spaces and Collective Identities

Young men have more mobility and freedom to tour the city and visit various public spaces. Still, they have to struggle with their families and government officials to secure access not only to the coffee shop but also to other spaces. Young men are the first to suffer when a crime is committed in the neighborhood or an armed attack is carried out in Cairo or elsewhere in Egypt. They are rounded up in mosques, markets, streets, and city buses. In addition, the street, the coffee shop, and the workplace have a common feature: they bring different groups together and therefore potentially threaten the ability of the family to control the kind of knowledge acquired. The fact that people in the neighborhood come from different places produces anxiety over the habits, actions, and language to which young men and women are exposed. The negative constructions of the coffee shop and the vegetable market are largely related to the mixed population assumed to be present in these sites. In this, both the coffee shop and the market serve as continuous reminders of the state policies that brought many people from different parts of Egypt to live in the same area. Relocating a large number of families to the same area over a relatively short time brought the good (*el-kwayyis*) and the bad (*el-wihish*) together. It is the anxiety over what children would learn in the street, what young women would learn in the workplace, and what young men would learn in the coffeehouse that structures the attempts of parents, spouses, and siblings to restrict the movement of daughters, wives, and brothers. As will be discussed in the next chapter, this anxiety also informs the reactions of men to various modern appliances such as the TV set. Many men argue that TV is making women 'lazy,' teaching them new ideas, and stimulating their desires for new products and consumer goods.

In contrast to the market and the coffeehouse, the mosque is viewed in positive terms by people in al-Zawiya. In Abu Hosni's narrative in chapter 3, Mohammad's attempts to maintain the identity of his children in America led him to the mosque. Not only in the United States but also in al-Zawiya al-Hamra, the mosque is a powerful space for creating a collective Muslim identity. Unlike the coffee shop and the vegetable market, the mosque is depicted as a safe space that brings members from different groups together on equal terms under controlled conditions. The decline in social control, which ensured the compliance of individuals to collective norms in Bulaq, and the increasing flows of information and consumer goods to the neighborhood have paved the way for religion as a powerful basis for structuring and shaping people's interaction in al-Zawiya. In addition to relocation, in the next chapter I examine other major transformations that have been sweeping Cairo and Egypt at large and that reinforce the role of religion in creating a sense of certainty in a world where all that is solid melts into air.

Chapter 4: Gender and the Struggle over Public Spaces
in Ghannam, Farha, *Remaking the Modern: Space, Relocation, and the Politics of Identity in a Global Cairo*. Berkeley. University of California Press, 2002.
<http://ark.cdlib.org/ark:/13030/ft109nb0bn/>

