



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

Transnational Solidarity Network

WLUML "Heart and Soul"
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First, I would like to begin with looking at the name of the network and try to draw all the conclusions we can draw from this name – WLUML

1. WLUML: What's in a name?

The first word is "women" we know that women are oppressed in many many societies everywhere. This is also true of our societies, and that of course counters the well spread idea that women in Muslim countries are not only oppressed but they don't struggle. For us, it is very important to know that women also struggle in Muslim countries because that's where we draw inspiration and strength from. However in our societies we are told (or made to believe if not directly told) that the circumstances under which we live cannot be changed, because God said it should be like this. This is really what makes our situation specific. This is also what brings us together. We do have the same problems as other women around the world, except for the way it is constructed for us.

The use of religion against women can be well illustrated by FGM. FGM historically is located in the countries of influence of ancient Egypt. In these countries, it is practiced not only by Muslims but by all other religions. (I don't know how it is for a Christians, but I suspect that the priest does not justify it by telling them that it is part of their religion). It is part of culture. However, in our case, at the local level, "priests" if I may say so, make women believe that if they want to be good Muslims, they have to undergo FGM. What I'm trying to say is that the use of religion in the oppression of women is quite specific to our societies while the rest is really common to all women.

We could also take the example of the veil which is also very specific to geographical areas – Arab areas and Mediterranean areas – it has been unheard of in other places. Now we are more and more (with the rise of Fundamentalism even more) made to believe that it is part of being a Muslim. This is one thing that brings us together but certainly doesn't not set us apart from the rest of the women's movement internationally.

2. What's in a "law"?

Now I am going to question the word "laws" – with capital "S" You all know that there are many many different approaches to Muslims laws, in different Muslim countries and societies. It is this diversity which has also brought us together. If one travels from one Muslim country to the other one sees that the circumstances in which women live are very very different and that the laws, including written laws and what passes off as Muslim laws and religious law can lead to very different situations. For instance, Tunisia

banned polygamy while in other countries we have the reverse. This is something very important which we learnt from each other when we first started to meet. Why are these laws so diverse? For different reasons – first of all, probably, due to the fact that they are various schools of thought in Islam and, within those, different interpretation of the religious teachings.

But equally important is the fact that when Islam spread, it incorporated local practices and customs and generally did not counter them. This is why you would have casts, in parts of the Indian subcontinent, among the Muslim population; that is obviously rooted in this particular geographical area and in this specific culture. We never heard of castes in other places. We could take many other examples of the fact that culture and religion are totally interwoven and that, subsequently women face different situations.

Finally, there is the political use of culture and religion. We can see, for example, that Tunisia had good laws at the time of independence, in a very specific favourable political context; those laws were passed using an Islamic justification - in short we banned polygamy because the husband is supposed to be fair and totally egalitarian to the four wives; since this is not possible for humans, then the Qu'ran actually says that one can not be polygamous. The political use of religion is more and more widely spread with the rise of fundamentalism.

We can conclude from this that the laws we live under are man-made and not God given. This has enormous implications for women's struggles because if it is man made nobody will feel afraid to contest and confront these laws - while many people feel restricted if they look at it as God given. It also challenges the myth of one homogenous and uniform Muslim world, as we wrote in the first Plan of Action (1986); "this is the main misconception imposed on us in order to restrict our struggles." We also wrote that "our reality ranges from being strictly closeted and isolated and voiceless within four walls, subjected to public flogging, condemned to death for adultery and forcibly given in marriage as a child, to situations where women enjoy a far greater degree of freedom of movement and interaction, the right to work to participate in public affairs, and also to exercise a far greater control over their own lives."

Later in the history of the network we draw a list of good practices and bad practices which we called the worst scenario and the best scenario. I do not have it here, but I am wondering if some of you people can try and remember some of the points, so that we could give these examples now.

3. "Muslim Laws"

Why do we call them "Muslim laws" rather than "Islamic laws"?

First of all, we do not know of any country where the "Islamic" law is applied and more over we do not know what the Islamic law is since it is not in existence anywhere, but in the minds of scholars. We made a distinction quite early in our reflections between "Islam" and "Muslims." Because "Islam" is the ideology, the doctrine, something to be debated by scholars, theologians believers. On the other hand, what Muslims do is a field

for sociology and political sciences. What we are addressing is the concrete reality rather than religion itself. Here we have to emphasis - as we did from the start, from the action committee of WLUML which existed prior to our network that "different forces have used these laws to oppress women." We specifically said that "men and the state have used these laws to oppress women and they have done so under different political regions." This is something that women all over the world have realized unfortunately the fight against patriarchy has not necessarily been brought about by progressive forces, but it had to be brought about by women. In other words, sometime we get very positive reforms from people who are not otherwise progressive or from the left at all, who do so for their specific purposes; sometimes the right gives us rights, such as access to contraception and abortion which is specifically linked to Malthusian rightist policies.

It is very important to also acknowledge that those laws which are called Muslim laws are used by political leaders and political forces to serve their own purpose. In Muslim countries, non Muslim minorities must also live under Muslims laws. Men and women who marry Muslims and the children born from these marriages are affected by Muslim laws as well. And finally, all the believers who do not accept the version of Islam which is imposed in their countries at a specific time in history are also affected.

4- Building bridges among ourselves

This is what I can draw from the name of the network. It has been important for us since the beginning to acknowledge that because of all these circumstances, women have been fighting everywhere, but fighting in isolation in their national contexts. One of the aims of the network has been to break this isolation.

We tried to do it in different ways, which are still very much the ways we are using today, as it clearly comes out from our collective reflection here. There is still a lack of information (although less than 10 years ago), there is still a lack of available knowledge on our situations, our struggles and our strategies: therefore we had to start producing this knowledge. We had to generate a knowledge which did not exist for us. Hence we had to go into research – but research is only there because we need this knowledge in order to fight. It is because we lack knowledge of Islam, lack knowledge of laws, lack knowledge of the diversity of the situations we live in, and on the ways we still live today, that we have to break this isolation.

Breaking the isolation can not be done only by circulating information. That, indeed, we still have to do it, but we should also – as we started to do so many years ago – met each other in person and visit each others' countries and women's organizations. This is still very much needed. We believe that this network is here to help all of us to defend women's rights. Because we believe that together we are stronger than if we are isolated. And we also believe that we have to get inspiration from each other.

I remind you that this network started as a "solidarity action committee" and it is still here so that we can support each other, support the struggles and hopefully, individuals as well. We hope to provide each other with alternative references: if you think you are the

only trying to fight the battle, it is really very hard – but if you know that other women are doing the same thing, you feel already more comfortable... even if you face repression. At least you know you are not mad.

We also think that this network works as a safety net for those of us who live in very difficult situations.

5. Diversity within the Muslim world(S?)/Diversity within the network

Acknowledging the diversity in the Muslim world is the basis of our analysis. Our situations are different because of what I just described; hence we recognize that we will have different focuses and different forms of struggles and that this can not be unified at all. It would be absolutely crazy to think that there is one best strategy for all of us, while we live under different political regimes for instance. The direct consequence of this is that we acknowledge the total autonomy of all the groups which network with each other. They do not have to agree on the priorities nor the strategies and therefore the network will never suggest that there is one best strategy or even pass judgements on how people should fight in their own countries. Hence we can say that there is no one position of the network, certainly not in terms of priorities and strategies.

For example, in India it seems that more and more women are going for reform of Personal Law, while in Algeria we are definitely for the abolition of Muslim Personal Law. This is not a contradiction: it just reflects the present situation in which we live, and of course we need to go into details to understand why it is like this. I am not going to that now, but we are here together and we can discuss it. Similarly in Tunisia and to a large extent in Turkey, women still fight for secularism and think it is something to value and preserve if we want to avoid the take over by fundamentalists. However, how can one dream of suggesting to Sudanese or Afghan women that this is what they should publicly stand for, right now, in their countries? It would be totally impossible to do that.

As a result, our network is composed to women who range from being believers wanting to fight for their rights within the frame of Islam, to people who want to work from a secular perspective from a human rights perspective. Again we do not think this is a contradiction, we think it is very important that we have all these voices talking to each other and informing each other in the best possible way.

6. Autonomy within the network

Since we said that we acknowledge the complete autonomy of the groups who network with each other, I think I have to be very clear that the network's intention is to serve the interests of the groups as they, themselves, define their interests and that our aim has always been to reinforce local struggles. In other words we are not here to build an organization in the sense of building an empire. We are not here to have a foot everywhere, to be represented in each country. We are here to share the knowledge of as many women as we can, publicize the struggles of women in their different countries and

let them see for themselves what is appropriate and useful. And, if they find anything useful, to try and help them meet their needs.

As a joke I always say that we are not the United Nations. We do not want to have representation here and everywhere. It is for the women, wherever they are, to figure out whether or not it is useful for them to link up with each other. Of course, in order to figure out whether or not they want to interact with us, they have to know of our existence, therefore we have to take the initiative to circulate information about solidarity activities, about the analysis, and all the information we have. But that's all. Then it is for them to decide what is useful to them. We believe that when we take action somewhere, it has a snowball effect. If we are successful at something and if people here about it, this will widen their horizon and, eventually, they will decide to network with us or with other people – how does it matter? What matters is to make available to other women the information that we can gather so that they can fight better for their rights.

Another of my jokes: I would like to say something in praise of selfishness. Aid is a one way process from the have to the have-nots – while solidarity is a reciprocal exchange which gives to each party according to their needs. If networking does not meet one's needs, there is no need for this exchange to take place. It should serve one's interest. If it is inadequate, one should look for other ways to reinforce and support one's own struggles. So far, we have found that it is useful to come together and to exchange – hopefully to exchange the strategies and also the useful tool that the network, as a link, can provide. This is not building an empire.

7. Building bridges in the world

We also think WLUML provides a safe space for us to discuss; when we discuss our problems in a more open space we tend to be defensive because of the image people have of the Muslim world or Muslim societies. So WLUML is a safe space to discuss and to start action, but this is not a ghetto and it was never intended to be a ghetto. We work together with other international organizations like Women Against Fundamentalism, which is based in U.K. Women in Black and many others. We are part of the collective efforts of the women's movement. We were part of the Tribunals which were organized at the various U.N. conferences, where we bring knowledge of as many people as we can about the crimes committed against women in our societies. We network not only in our own countries – which is very difficult, more difficult than outside the country because of the many tensions and political divisions we may have within. We network with women from other religions and with women of other countries and we find it very important to bring our little stone to the building of defense against communalism, nationalism, wars, conflicts. We want to network across ethnic, religious and national boundaries as well as within what we call the “Muslim world” – although I personally have more and more problems using this concept since we do state that it does not exist as a homogenous entity.

8. Potential alliances

What is the limit of potential alliances? I think it is the first time we discuss it in a formal way, so this is just my own opinion. I draw the line when allying with somebody reinforces fundamentalist forces.

I will just take one example based on one of our latest “Alerts,” in support of women who are wives of fundamentalists in Egypt and who were taken to the police stations, tortured and raped, because they are wives of fundamentalists I think we did well to support them because no matter who is submitted to such violations – including our worst enemies – that can not be good for the society. Such brutalization of society, one way or the other, will turn against women. So, in my selfish perspective, I am sure that it is NOT in my interest that torture, being jailed without trial, etc., happen in my country or anywhere in the world. It is also terrible when women are suffering from what their male relatives do, whether they agree to it or not, whether they are aware of it or not, but just because they are property of the males. So, from both these points of view, I am very clear that we have to support them.

On the other hand supporting them without stating what we believe in, would be extremely counter productive – as if we supported the fundamentalists in Egypt. I don’t know if all of you here remember, but we sort of carefully tried to express our support to the women while at the same time stating that we do not support the fundamentalist forces.