

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

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Arab Women

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Is it a lapse into impressionism to 'lend great importance to the weight of Islam' in considering the roots of the oppression of Arab women? Despite all the social transformations that have occurred in the Arab world since the era of the caliphs, secularisation has yet to take hold in nearly all the Arab countries. Legislation dealing with marriage, divorce, and the status of women (inferior in all cases) is still based on, or directly inspired by, Koranic law in all the Arabic-Islamic states. What role is played by Islam, what is its influence, and how is it used? This article will deal with some of these questions.

Islam, a State Religion

The administration of society under Islam is regulated by the sacred texts as elaborated in the Koran. The moral system preached by the prophet Mohammed is itself law. The Muslim religion has found expression in a code or practical laws to be observed not only with respect to Allah but also with respect to the Muslim state. Indeed, the Koran, the shari'a, and the hadith, subjects of polemics among legislators even today, were themselves shaped by the experience of the prophet as the ruler of a state.

Koranic law explicitly stipulates the superiority of men over women. To begin with, the Koran itself is addressed exclusively to men, and not to women: 'Men have authority over women because Allah has made the one superior to the other... As for those from whom you fear disobedience, admonish them and send them to beds apart and beat them' (The Koran, translated by N. J. Dawood, Penguin Classics, sura 4, 'women', pp. 360-61). Countless other quotations of the same character could be adduced. Some defenders of the Islamic position on women have made the claim that Islam represents an advance over other monotheistic religions in that it introduces sexual equality, by expunging from sexual pleasure any notion of sin or guilt. This lack of guilt, however, is not synonymous with freedom, for it profits only men and in fact consecrates women's role as sexual object. For example: 'Women are your fields; go then into your fields as you please' (The Koran, *ibid*, sura 2, 'the cow', p. 347).

As has been pointed out: 'Thus, 'love' exists not as a human relation but as a sexual relation, as servitude. In reality, there are no women, only females. For the Arab man, women exist in various personifications: virgin girl, wife, mother. There is no room for the woman friend or lover... The woman in the Koran is not a lover but a wife. There is no love, only sexuality... Marriage is as sexual pleasure on the one hand and a means of procreation on the other; the image of the wife is thus identified with that of the mother.'

It is not our purpose here, however, to enter into a long discussion of the sacred texts. The important thing is that since Islam is a state religion nearly everywhere in the Arab world, the Koran and the shari'a form the foundation of judicial law, or even inspire it directly. Nonetheless, in many areas attachment to the teachings of the prophet has given way to adaptation to the conditions of the modern world. Usury, for example, is a great sin in Islam. But even the 'most Muslim' ruling classes do not forswear the interest generated by their bank accounts. Profits, you

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see, can no longer be regulated by the norms that prevailed during the seventh century. No, it is only when it comes to all the norms regulating the lives of women—marriage, divorce, polygamy, the care of children, the imposition of male guardians for women—that adherence to the teachings of the prophet is complete. In other words, although Islam, like all other ideologies, has made adjustments to the social changes imposed by history, it has displayed a remarkable rigidity on all subjects involving the role of women in society.

Indeed, so strong has this conservatism been that it has incorporated many laws and traditions that were generally assumed to be Islamic and were thus preserved over the centuries, even though they were actually products of reactions to Islam and its effects on pre-Islamic society; or of purely conjunctural necessities which arose at certain points in the evolution of this or that society. One striking example may illustrate the point: the wearing of the veil.

This practice seems to have developed as a reaction to the Koranic reform that guaranteed women the right to inherit property; it became general as the nomadic tribes settled during the early years of the expansion of Islam. 'In making inheritance for women compulsory, the sacred book... dealt a terrible blow to the tribe, one which the tribal societies worked hard to evade even while converting to Islam more or less gracefully. Today we may note that the generalisation of the veil and the cloistering of women closely correspond to Koranic observance in the matter of female inheritance.'

'There seems to be a particular chain of events, one which I myself have witnessed:

1. Religious fervour imposes female inheritance rights
- 1-2. Female inheritance rights destroy the tribe
- 1-3. The demolished tribe accepts the presence of outsiders
- 1-4. Fathers begin veiling their daughters so as to preserve them for the boys of the family despite everything.'

In *The Social Structure of Islam* Reuben Levy presents details concerning the appearance of Muslim women: 'Closely bound up with the subject of marriage in Islam is that of the veiling and seclusion of women. In ancient Arabia, custom appears to have varied; the women of the desert-dwellers going unveiled and associating freely with men, while women in the cities were veiled.' Levy points out that women were not required to wear veils during the reign of the caliph Omar (634-644).

The exact date of the generalisation of the veil and the definitive reasons for it remain to be determined in many cases. What is certain, however, is that the custom pre-dates Islam to some extent and was not specifically stipulated by the prophet Mohammed. Nonetheless, once it became identified as 'Islamic', it was raised to the level of custom, and often even law.

The confounding of religious structures and state structures, of law and sacred texts, is a general characteristic of the societies in which Islam emerged and triumphed. This characteristic has prevailed, with differences in form, from the epoch of the Muslim conquests and the first caliphs through the Ottoman empire and even into the epoch of capitalism.

Nevertheless, this phenomenon has been most striking in all that relates to the position of women in society. The impact of Islam on this question may be grasped more clearly by taking a look at the argument of the great reformers of the late nineteenth and early twentieth centuries (the era of the Nahda Arabia, or Arab renaissance). Most of these reformers had attended French universities and, upon returning to their countries, issued appeals for the modernisation of the state (men such as Salameh Musa and Qassim Amin). Amin, one of the greatest of the reformers, is considered a pioneer in the domain of the emancipation of women. Of Turkish origin, he studied law at the University of Montpellier in France and later served as a legislator in Egypt at the end of the nineteenth century. He was the author of several works on the status of women. In his book *The Liberation of Women* Amin called for equality for women in the realm of social life and insisted on the need for the education of women. At the same time, he strove ceaselessly to fuel his argument with quotations from the Koran. For him, correspondence with the Koran was the very

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proof that he was on the right path, that he stood within the legitimacy of 'our society'. This led him into long religious digressions, which are interlaced in bizarre fashion through his otherwise rational thought. For instance, after citing the passage in the Koran instructing believers to 'enjoin believing women... to cover their adornments (except such as are normally displayed); to draw their veils over their bosoms and not to reveal their finery except to their husbands, their fathers, their husbands' fathers, their sons,' etc. (The Koran, op cit, sura 24, 'light', p. 212), Amin writes pages attempting to demonstrate that 'adornments' (in other words, 'private parts') do not include the face or the hands.

This was at the beginning of the twentieth century. And today? Not more than three years ago an 'emancipated and enlightened' Sheikh came to a round table discussion organised by feminists at Dar el-Fann in Beirut to convince the audience that Islam has liberated women and that the Koran must be followed to the letter in all matters of personal status. He simply repeated the official positions on which the 'partisans of equality of the Muslim women' have been harping for decades. And of course, he defended the legitimacy of the theocratic state.

Bourgeois Ideology in the Arab World: an Arab-Islamic Ideology?

Our bourgeoisies seem to find the drafting of a secular personal code more dangerous than nationalisations.

In some non-Arab Muslim countries secularisation was achieved by a bourgeoisie struggling to modernise and strengthen indigenous capitalism. This demonstrates that the explanation for the humiliating position of Arab women (and the sources of the unhealthy obsession with virility among Arab men) are not to be sought merely in the content of the Koran. They lie, rather, in the necessity felt by the ruling classes—and the local bourgeoisies now in power—to 'respect' Islamic tradition and to administer Islamic states (except in the special case of Lebanon, where secularisation does not exist in any event, and Tunisia, which must be examined separately).

After the revolution led by Kemal Ataturk in Turkey, the state was secularised and many changes were introduced in the status of women, especially in the towns. Why weren't Nasser's attempts to establish an independent and modern Egypt strengthened by the proclamation of a secular state? Why didn't the Algerian National Liberation Front resort to this weapon against the reactionaries and against the demagoguery of 'forward-looking' imperialists, even at the peak of the anti-imperialist struggle? Why has the Baath Party felt compelled to identify the struggle for Arab unity with Islamic identity and, once in power, why has it hurried to declare Islam the state religion, in both Iraq and Syria? (The intellectual founder of the Baath, Michel Azflaq, who is of Christian background, converted to Islam about a year ago, claiming that Arabism and Islam could not be separated). And one could add the caricatures of such phenomena: Qaddafi's 'Jamahiria' of Saudi Arabia, where the ridiculous in no way alleviates the atrocious oppression that denies women any choices whatever, even women of the ruling classes.

One of the reasons for this apparent anomaly is that the reaction to colonial and imperialist oppression in the Arab world took the form of attachment to local traditions and beliefs as a response to the cultural pressure of the settlers. 'When the French landed in Algeria in 1830, the society they attacked was, regardless of their own prejudices and ignorance, part of an old civilisation which had long competed with their own, Arab-Islamic civilisation... The Koranic prohibition of Muslim women marrying non-Muslims... protected Muslim women from delivering their bodies to the oppressor... But this refusal, on the other hand, placed the women of North Africa even further under the grip of the men of their own society, for the women, along with everything connected to private life, became a symbol for the men, a concrete refuge from the colonial indignity to which they were subjected. That is why the women were forced to live in narrow confines, jealousy overprotected, their lack of public appearance and their very intangibility serving now as the ultimate guarantee of masculine dignity, now as an excuse for those who were compromised by collaboration with the occupier.'

The authors of this article from which this quotation is taken explain the varying influence of colonialism on the status of women in North Africa and in Mexico on the basis of this differing

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pre-colonial reality. (Spanish colonialism in Mexico during the sixteenth century confronted a tribal society; this led to cultural and 'racial' blending, which was not the case in North Africa).

This sort of reaction was to assume a broader, although more contradictory, dimension during the epoch of imperialism. The division of the Arab world by the European imperialist powers led to the development of nationalist consciousness, an important element of which was the desire to reassert the Arab unity that had been destroyed by the 'Westerners'. This consciousness found expression in an attachment to the unifying elements that had preceded the division: language, customs, and religion experienced as a culturalist tradition. Islam thus became a component of bourgeois nationalist consciousness. The Arab woman has suffered from this reaction, which has acted to circumscribe the upheavals in her status that could have been introduced both by contact with European society and by the mass struggles for liberation from the domination of European imperialism.

The reaction to imperialism, however, was contradictory, precisely because of the influence of imperialism on the pre-capitalist socio-economic structures of the Arab world. The needs of imperialism and of the new, imposed mode of production required that young girls be sent to school (especially in the cities) and that a layer of women employees in the tertiary sector be developed. In some cases there was also a need for cheap female labour power to exploit. Indeed, the changes wrought by the entry of capitalism and by the imbalances through which it developed gave rise to the first struggles of Arab women.

The ensuing contradiction may be summarised in this way: On the one hand, the oppression and social changes imposed by imperialism created the objective basis both for the development of women's struggles and for the integration of women into the more general national liberation struggle against colonialism; on the other hand, the form in which bourgeois nationalist consciousness took root among the masses entailed a strengthening of Islam into that consciousness itself. This latter factor militated against the rise of women's struggles and even against the active participation of women in the national liberation struggle. Later, bourgeois nationalist consciousness in the Arab world, fully identified with Islamic ideology, was to become a weapon in the hands of the indigenous ruling classes which assumed state power in place of the European colonialists. In other words, the Islamic position on women, along with the Islamic position on other social questions, became an instrument for the perpetuation of the general domination of the Arab ruling classes.

'Arab Socialism': an 'Islamic' Socialism

We favour neither communism nor capitalism, but an Arab socialism, an Islamic socialism. For reasons we will not go into here, the national liberation struggle in the Arab countries, which reached its peak during the 1950s, was led by nationalist movements. These movements came to power either through coups organised by young army officers or through the action of political parties whose base was essentially petty bourgeois. The bourgeois regimes established by the anti-imperialist struggles and movements in the Arab world were often impelled to take radical measures against imperialist intransigence. They were thus compelled to rely not only on the urban petty bourgeoisie but also on the peasantry and the working class, and even to mobilise the workers and peasants to some extent. But it was also necessary to ensure that radicalisation and popular mobilisation would not sharpen the class struggle, that the upsurge of mass action could be contained within limits compatible with the perpetuation of the capitalist mode of production. The formula by which this delicate equilibrium was assured was well chosen: Islamic socialism. Or to put it another way: socialism for popular consumption, Islam for the survival of capitalism.

All that women gained from this was a number of political rights (such as the right to vote) and the right to work whenever the new, independent state was short of labour power. The religious authorities were always on hand to declare either that Islam permitted women to participate in social activities or that Islam required the seclusion of women, depending on the needs of the moment. (The latter sort of declaration, of course, was of special value during periods of social unrest, sharpened class struggle, or rising unemployment). The pronouncements of the sheikhs of Al-Azhar mosque in Egypt, guardians of the Koran and the shari'a, are striking in their contradictions.

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In the countryside, the only perceptible change in the status of women was the intensification of poverty, especially since the various agrarian reforms all ended in failure.

In all these independent states, secularisation was regarded as an excessively disruptive element in an already precarious stability. In all these states, personal status is based on Koranic law and the lives of women are regulated by 'the traditions of our Muslim culture'.

Let us take one example. What has 'Islamic socialism' meant for women in independent Algeria, a country whose liberation movement, the National Liberation Front, has been held up as having radically transformed the conditions of women?

Since 1967 the official government newspaper, el-Moujahid, has ceaselessly issued advice for the right-thinking, such as: 'Our socialism rests on the pillars of Islam and not on the emancipation of women with their make-up, hairdressers and cosmetics, from which arise unchained passions harmful to humanity.'

In the chapter entitled 'Hypocrisy' in her book *Les Algériennes* ('Algerian Women'), F. M'Rabet quotes from an article published in the magazine el-Jaish in 1965: 'What would become of Algerian virility and glory, of the Arab-Islamic national character of our vigorous youth, into what state would our young men fall, if they saw their sisters in the arms of foreigners, who are their enemies and the enemies of the whole Arab nation?'

In the countries in which Islam is the state religion there is generally only one political party, the ruling party, and the organisations of the various sectors of the masses are tightly controlled by this party. Thus, the National Union of Algerian Women declared during its first congress, in 1966: 'The congress must...entirely devote itself to the protection of the family unit through the establishment of structures that conform to the Algerian personality and to Arab Islamic culture.'

In 1972 the initial draft of the family code made this stipulation in regard to marriage: 'Error in person or violence entails the annulment of the marriage.' Yes, the veil plays tricks. The prospective husband (who has paid a price for his chosen bride) can be deceived and find himself married to someone else, for the 'error in person' can be discovered only after the marriage, when the veil falls.

Although the proposed family code rested on Islamic law, it had, of course, to be adapted to some modern necessities and thus divested of a few excessively embarrassing rules. The 'sacred texts' were consequently juggled about. Article 49 of the draft stipulated:

The requirement of monogamy has its foundation in the Koran and the shari'a... Averroës taught that monogamy was obligatory... This was also the view of the caliph Omar Ibn Abi el-Khattab, Omer Abdel Aziz, the Mu'awiya. In addition, this custom has long been common in our country. A fatwa (religious ruling) rendered by Abu Zakariya el Moghali in the ninth century illustrates this clearly and precisely. The commission has thus considered it its duty to consecrate this custom in the present article.

Was it really necessary to seek justification from all these celebrated Muslim personalities simply to propose the establishment of monogamy, especially since, pace the legislators concerned, monogamy in no way 'has its foundation' in the Koran?

The Muslim Brotherhood: An Arab Version of Fascism

Since the Arab bourgeoisie is an Arab-Islamic bourgeoisie, it is only logical that local fascism has taken the form of an exaggerated version of this religious identity. Created in 1919, the Muslim Brotherhood was to remain numerically modest until the late 1940s, a period of great social and popular agitation in the Middle East. The principles of the movement then became increasingly popular, primarily among the petty bourgeoisie (especially in Egypt and Syria). Indeed, the Muslim Brotherhood waged a campaign against 'big capital', for the defence of private property, against the 'Occident' and its imported values (although they refused to use the word imperialist), against the communists (the main enemy), and above all against any reform of religion and against

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secularisation. The Muslim Brotherhood has waged a constant and determined struggle against the liberation of women. They mobilised according to the watchword 'communism=atheism=liberation of women'. The recent reappearance of the Muslim Brotherhood in Egypt is a result not merely of de-Nasserisation (the organisation had suffered great repression during the Nasser period) but also of the exacerbation of the social crisis in the country and of their desire to counter an unorganised but quite militant workers' movement.

While fascism in Europe strove to confine women to children, church, and the kitchen, the Muslim Brotherhood demands the revealing of women, the rejection of any reform of the family code, the stoning to death of adulterous women, etc. The Brotherhood's activity in Cairo after the workers' rebellion of January 1977 testifies to this.

In Lebanon in 1970, during a period of rising class struggle, the Hizb el-Tahrir (Party of Liberation), an instrument of the Muslim Brotherhood, distributed a long leaflet in the Sunnite Muslim petty-bourgeois neighbourhoods of Beirut, explaining that Islam prohibits the mixing of men and women in public places, that schools are public places, and that girls should therefore be withdrawn from coeducational schools. But the danger is that the Muslim Brotherhood is not content with merely handing out leaflets; it uses violence, sometimes with the implicit agreement of official authorities and with generous material aid from the Saudi Arabian and Libyan regimes. In Algeria for the past two years, Muslim Brothers, sometimes aided by the police, have been attacking women who walk alone at night, repressing them physically.

Given this overall situation, it is difficult not to stress the weight of Islam when considering the struggle for the liberation of Arab women. It is difficult not to take account of the direct physical oppression Arab women suffer because of the attachment to Arab-Islamic traditions. It is no accident that the demands of the Union of Egyptian women, founded in 1923 in the wake of the revolution of 1919, concerning the reform of the personal status code are still on the agenda even today. The especially intense oppression suffered by Arab women and the direct guardianship of the males of the family, whose honour and virility are determined according to the behaviour of their wives, do not result in a higher level of consciousness among Arab women; just the opposite. This persistent weight is always present, ready to be used to serve stagnation and counter-revolution. Although its elimination can be the result only of a social revolution that eradicates all forms of exploitation and enables women to put an end to the humiliation they have suffered for centuries, the present and future influence of this oppression must on no account be minimised.

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