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Woman as the "other" and the "other" woman: the alienation of Muslim women within feminism

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WOMAN AS THE "OTHER" AND THE "OTHER" WOMAN:

The alienation of Muslim women within Feminism.

Thesis submitted for the degree of Master of Arts

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Abstract.

The entire aim of this work have been to initiate a new discursive space for feminist theory from an Islamic perspective. I looked at present feminist theoretical frameworks examining and questioning their underlying borrowed concepts and categories. This has often necessitated an inquiry into the very mode of thinking used for articulate feminist demands.

Above all I hope to have demonstrated the need to do away with rigid and inflexible Cartesian dualism, that perceives masculinity and femininity as two mutually exclusive and opposite categories. I argued the need to initiate a new scientific method of inquiry, a different mode of thinking, along Qur'anic epistemology, that allows for both, masculinity and femininity to be seen as different but not antithetical. Indeed they do simultaneously co-exist in the same individual , albeit in different proportions. Such conceptualization of the genders and sexes is not only a true reflection of modern medical knowledge it has immense implication for social sciences. Such flexible categories are crucial for a new type of science, especially a new type of feminist theory, that is not anti-man, but pro-justice and equality, a unitary feminism (Hafner, 1994). A feminism that accept men and women as different but also very similar, a new theoretical framework that reflects better human realities i.e that differentiate between biological body and the socialized or social individual, thus allows male to express his feminine qualities and females to display masculine attributes without it causing major schism and thus conflict within the fundamental theory. In this work I explored one alternative mode of thinking the Islamic paradigm, and I hope more work will follow to further develop such an alternative.

Acknowledgments.

Dedication

To my mother and father who tought me the value of learning.

Declaration.

I hereby declare that this thesis entirely results from my own investigation and that no part of it has previously been submitted for any degree at this university or any other university.

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Chapter 1: INTRODUCTION:

In its long and eventful history, the Western Feminist project has scored many remarkable victories. These victories have, no doubt, greatly enhanced the quality of life for many Western women. However the situation for non-Western women is much more unclear and ambiguous within the feminist context. The universal appeal and aplicability of feminist goals becomes cloudy. In particular Western feminism has been seriously and significantly challenged by aggressive phenomenon such as imperialism and racism etc. as these raises the question of disparities between different women in the sharpest terms[1].

Slavery and colonialism created dominant and dominated peoples within global structures of material exploitation and more recently political subordination often referred to as neo-colonialism. This new type of 'colonization' is best illustrated by the IMF project and its policy dictates to indebted governments usually translating into taking austere measure in education and health, thus affecting women and the family most.

These political, economic and discursive processes involve the representation of the dominated peoples discursively as an inferior 'Other'[2]. They also provided the ground for a series of misconceptions and misformulations of women's issues especially amongst the dominated people.

Women started questioning basic notion of the Feminist project or women's liberation: what is liberation? liberation from what? liberation of which women?[3] Thus bringing to attention the important fact that women may have different interests and

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1 Mani, 1992 in Crowley & Himmelweit.

2 Edward Said, 1979

3 See Ramazanoglu, 1989.

crucially women can have conflicting interests with other women, while sharing many interests with their menfolk. Modern feminism has to take on board the fact that there can be major differences between women and that all men are not the enemy. In short that feminism is no longer about dividing society on gender lines, it is far more complex than that. Indeed, women of the world inhabit a vast area of complex solidarities, contradictions and struggles.

The case of the Muslim woman is of special significance as it cuts across most of these contested grounds, it stands at the sharpest edge of the problem of differences between women. Muslim women have been constructed in Western mode of thinking as the 'Other' par excellence, this thesis therefore propose to analyze this social construct of the ultimate stereotype of woman as the victim, the perfect model of oppression.

The Muslim terrain has proved to be an excellent testing ground for Feminism. It is this encounter that we shall be scrutinizing in this work. Indeed this experience of being a Muslim woman, has been looked at negatively by many who merely concluded Feminism does not work with Islam, and therefore they could not co-exist. Their 'solution' was therefore to get rid of one, usually it has been Islam who had to be eradicated and this have been and still is the main direction most ruling elites or Modernists, seem to brutally follow in Muslim countries.

This work adopts a totally different and novel attitude to both ideologies (Western and Muslim Modernist). We shall first try to understand each separately, than look at the contested areas, examining the so called conflict.

In fact we believe that Feminism, has benefited greatly from the problems and criticisms raised by the 'Other' women (problems of race, class, ethnicity, ideology or religion...). As these helped Feminism to address its shortcomings and thus progress its theory producing a more adequate type of Feminism that is acceptable to ALL women.

Feminism, has come to accept that women are diverse and intersected by historical and political lines of differences [4], acknowledging the configuration of forces which have

wrought women's identities. This critical space is not innocent but has its own discursive and material location, its own trajectory and origin which must be recognized. This is not an incitation to guilt but rather an acknowledgement of the forces that construct women's identities (our subjectivity and identity are always constructed relationally).

Consequently, Feminism holds a tremendous potential for the future of women but also the future of social justice and science as it has started questioning the very bases of the Western scientific project and its lack of morality that has enabled women and children to be treated as lesser beings (patriarchy) for centuries, depriving them of basic rights and never conferring unto them full citizenship[5].

STATING THE PROBLEM & SYNOPSIS OF THE THESIS.

We will begin the thesis by examining some feminist theories/arguments, analysing why and how they have not been suitable for Muslim women, indeed we shall demonstrate that they have served to cause more confusion on the issue of Muslim women.

We shall then move on to exploring other possible routes for Muslim women's emancipation. Here we shall be innovative in the sense that we will look at more indigenous ideologies as theoretical framework of the Muslim woman's campaigning for more rights and full citizenship, we shall look closely at the ideology that has dominated the Muslim world for the last fourteen centuries, namely Islam. In the second part we shall find out what are women's rights in doctrinal Islam (specifically those legal rights that facilitate women's access to wealth).

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4   Harding, 1987.

5   Ramazanoglu. 1989.

Our method is therefore not a confrontational one, contrasting Feminism to Islam, because we do not see the two as opposites. In this work we shall look at what Islam, as a powerful social and dominant ideological force, has to offer women. And we will inquire how could Muslim women exploit the new political climate (the rise Islamic awareness often referred to as fundamentalism by the Western media) to their advantage. This project is the more important when we bear in mind the hostility and huge negativity Western feminism has generated in Muslim countries and that western style feminism has failed Muslim women, especially those in need of most help, the rural and poor female population.

The thesis will attempt to assess the Western feminist project (including all the Western competing theories), we shall demonstrate in this section how and why do these theories not answer the need of Muslim women.

We shall argue the case for relevant and apporopriate theoretical frameworks to study and analyze "other" women. By 'other' we mean all non-white, non-middle class, non-Western European women. However we shall conclude on a positive note, since feminist theory has been under tremendous attacks and women themselves have seen the need to question the deep epistemological and ideological underpinnings of the Western feminist project.

As part of the process of re-examining some of the basic premisies of Western academia, Feminist thinkers have also come to question the Enlightenment's whole scientific project, they are now asking who defined the ideal man? And in which MAN's interest or benefit is science as we know it?... The white upper class European man (such as les philosophes themselves)? All this has had salutary effects, and we can see, an attempt to move away form Eurocentrism, an opening and better reception of the "other" women, indeed a warm welcoming... The feminist conception of a new science at least seems to aspire to social justice, freedom and emancipation of ALL women, in contrast to science as we know it, which is implicitly capitalist, masculine, racist, and Eurocentric.

Later on in the thesis we shall find out what doctrinal Islam has to offer women and we shall emphasise the potential socio-economic implications of such rights, if women were to insist on the application of these rights in their every day life. Here a very important issue has to be mentioned: TAFSIR or interpretation of the doctrine and the serious consequences "interpretation" can have on women's lives. We will demonstrate how men have, throughout history, used this mechanism to their benefit, interpreting verses in specific ways, emphasizing certain verses to the expense of others...

Our argument however will not be centered around the notion of patriarchy only, but also political: many male exegetes have been favoured by the rulers of the time, not necessarily because of their sexist views but often for their political allegiances or at least their endorsement of the dominant political trend of the time and the ruler in particular, most reformers and scholars with integrity have been not only marginalized but frequently persecuted.

We suggest here that women too could use this mechanism (tafsir) to reclaim their God-given rights. Just as men, women could rely on the sanctity of their sources (Qur'an & Sunnah) to give immense weight to their argument, their project however will be different. Women will aim at social justice and equality for all (regardless of sex, age, race...) Women will however need high quality education to be even begin to contemplate such a project. This spirit of justice, will I am sure assure their success in opening new doors for women while permitting them to retain their Islamic identity.

We shall conclude this thesis making two main points: The first is the unsuitability of Western feminist frameworks, has generated more confusion and controversy around the issue of women's rights, because of conflicting ideologies and diametrically opposed mode of thinking or epistemologies (but also colonial history etc...).

Western feminism used by some Modernists, in their eagerness to emulate the dominant West, has been more harmful to the average Muslim woman. It only served to confuse the issue of women's emancipation and acquisition of full citizenship with Westernization and thus effectively diffusing the hope of most women.

The second point is the adequacy of Islamic ideology (not Islam as a cultural religion), as a renewed social force in today's Muslim countries and as a living part of the Muslim psyche and identity. External ideologies have proven quite inadequate in mobilizing the Muslim masses for change. Islam presents the perfect vehicle for effecting such change and this also goes for the utilization of Islamic doctrine and laws for the benefit of women and the advancement of the condition of women in Muslim countries. Up till now women have been excluded from being active in this arena, and in fact this seems to a large extent to have been a self-imposed exclusion.

I hope this work will serve to demonstrate to Muslim women that Islam gives them extensive rights and value despite what many men might say. And that there is nothing stopping them using the same "mechanisms" as Muslim men have, to put the real Islamic perspective across, i.e making use of the dominant ideology popular with the Muslim masses: Islam, to articulate their demands to participate fully in their communities and thus best perform their duties as Muslim women.

Even though Islam in many ways seems to be patriarchal, it is still open to women to read, understand, analyze and "use" the Qur'an as well as formulate their own "tafsir". That is an obvious and adequate route for Muslim women to set their own agenda, define their freedom and emancipation on their own terms (usually quite different from that of Western women, for example Muslim women, unlike their Western counterparts, do not see the family as a harmful institution, on the contrary the family is seen as the cornerstone of a solid and stable society) and work towards it.

Above all I hope to make it clear, that not only is there no conflict between Islam and feminism but that both share a common goal and vision, that of social justice not only for women but for all members of society, regardless of their sex, age or race. In this sense Islam and feminist ultimate goals seem to overlap a great deal, even though the means and immediate concerns of each may vary and sometimes contradict each other.

This thesis is rather unusual, especially for social scientists that have immersed themselves so fully in the empirical side of sociological research because there is little

empirical data presented in the thesis. However I believe that although empirical research is essential in many cases, nevertheless there are areas where quantitive studies of women's work and economic and social position has not greatly advanced our understanding of underlying issues. I hope therefore that this thesis will contribute to the theoretical framework within which Muslim feminism case take place and develope.

The Islamic mode of thinking takes into account qualitative differences between the sexes, and thus allows for flexible categorization of both sexes, men and women as equal (in worth) and different (Al-Faruqi, 1988: 35). Perhaps no other subject is in direr need of clear theory than Feminism. Feminism at this early stage needs to define itself, clarify its objectives and methods. It also needs to identify what women's rights are, what does it stand for and what it sees and defines as women's oppression or subordination. Feminism right now has little to benefit from quantifying "the oppression",

The use of social trend indicators (paid employment, level of formal education and qualification...) borrowed from mainstream sociology need to be closely examined in order to assess their relevance or otherwise to women's experience and the feminist context.

Academic feminists question the value of such social trend indicator and their blind use. Indeed is paid employment an adequate measure of women's work? does it reflect women's work endlessly, cooking, cleaning, caring...? Women's work is consistently ignored by these type of research and the use of such masculine and capitalist (focusing and valuing only remunerated work) social trend indicators[6].

Unless feminism asks and formulates answers to these questions this type of research will remain pointless and without meaning to women's lives. We do, however accept that such research might have some particular applications and benefits in limited cases.

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6   *Arebi, 1991: 105*

Our interest here is general and encompassing the female category at large. As an academic discipline Feminism critically needs to define and form a feminist theoretical framework that encompasses all women, regardless of their race, class, religious affiliations, contradictory interests...

Up till now Feminists have used pre-existing theories such as Marxism and Liberalism as underlying theoretical frameworks (See, for example Mitchell, Barrett, McKinnon 1992 for Socialist/Marxist feminism or Friedan, Eisenstein, 1992 for a liberal framework). These have proved unworkable in many cases (See Harding, 1992:373), especially as Feminism developed, reaching more and more women.

The contribution and participation of more women from different classes, different geographical locations in the world, different cultures and outlooks, enriched the movement on the one hand, and posed new challenges. Many pessimists faced with such extraordinary challenges cried wolf, and predicted the doom of the Feminist project, under perpetual criticisms from all corners: the black, the disadvantaged, the working class women; in short the 'other' women... i.e all those who perceives the potential and value of the movement that demands women's rights but who felt that the rhetoric did not include them.

The 'other' women's aim was and still is to see an unbiased and comprehensive Feminism that works for ALL women's rights, a Feminism that stands for women's right and opportunity of choice and respect for women's choices (not accusing them of false consciousness etc... when their choices do not mirror the Western woman's choice determined by her own and specific experience). More optimistic Feminists have seen in such an impressive challenge a chance to review society's most intrinsic perceptions of the male/female dynamics[7].

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7   Mernissi, 1983 ; Charvet, 1982 ; Riley, 1989c .

This thesis, although coming from one of the 'other' women, supports the second group. As an ardent campaigner for women's rights and social justice myself, I think that it behoves women to face up to the challenge and start working towards developing a comprehensive 'feminist' theoretical framework that is as welcoming to the black women as it is to the white one, the poor as well as the rich, the working class as well as the middle class women... towards a feminist theory that considers all women whatever their race, class, educational level, beliefs... equally. A feminism that is not by definition anti-men but anti-oppression (who ever the oppressor), not anti-religion but anti-misogyny wherever this might be located, not anti-rich but anti-bad distribution of wealth and unfair trading and banking practices.

Such clear, non-reductionist definition of what feminism stands for or against is crucial for public relations, i.e in order not to alienate more people than is necessary (such as in the case of the early feminists, who perceived all men to be the cause of all female subordination). Such a reductionist approach caused a great deal of ill will from men, and many media men took their revenge by ridiculing the movement. A non-reductionism approach would also benefit feminism, by keeping the door open to those men who share in the principles of equality and justice, those men who would very much like to join a just cause. Some critics would argue that such men are a rare breed, then perhaps more than ever we ought to make provision for such opportunity, if nothing else but to find out if such men really exist! There is therefore no reason for Feminism to be anti-men and not to give men the opportunity to join forces with women in the fight for social justice for all members of the community.

The need for feminist theory is a contemporary concern for academic feminists, disillusioned with existing theories and their non-workability for women. Of course we are not claiming that pre-existing theories are redundant, but only inappropriate to articulate women's issues. Feminists have therefore to determine why and how are these theories problematic in order to remedy to such difficulties, and perhaps formulate a theory more suitable to the particular needs to women's issues as a new academic discipline.

WOMEN AS THE 'OTHER':

Women are constantly defined in relation to men. Whether they are similar to men, different from or complementary to them. Men, masculinity and male behaviour are always the reference points.

Most obviously, women are defined in familial terms as carers and nurturers. Their identity and status derive from their relation to the explicitly gendered categories of mothers, daughters and wives. Women are thus defined not only in relation to men, but as dependent on men and subordinate to them. Men on the other hand are not defined in relation to women, or in purely familial terms, but in relation to a larger 'public' world in which they operate as workers and citizens. As Black and Coward put it:

'Women are precisely defined, never general representatives of humanity or all people, but as specifically feminine, frequently sexual, categories... Being a man is an entitlement not to masculine attributes but to non-gendered subjectivity' [8]

Men's specific gender is thus ignored: they represent the universal and the human to which woman are the 'other'. This perception of woman as the 'other' has been taken for granted in most social and political thought as well as in everyday life [9]

The statuses of men and women have been constructed around a whole series of dichotomous categories: public/ private, work/home, mind/body, autonomous/dependent, culture/nature, rational/emotional etc... Men are always positively valued, women negatively valued. Such Cartesian interpretation of social reality i.e in a series of opposites leaves little room for gradation or overlapping categories.

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8   *Black & Coward, 1981: 83*

9   *Simone de Beauvoir, 1949-*

Feminism originated outside academia with activists wanting to draw on women's collective experience to understand and to change the prevailing power structures. However now that Feminism is moving towards academia it seeks to re-define women as individuals, independently of men; a category that fits the new woman who has forged a role and place for herself in society at large than can be that of mother and wife but not always limited to these two roles. Feminism accepts these roles as essential and crucial of any society, but it does not confine all women solely to these roles. Indeed women's lives extend well beyond...

THE ' OTHER WOMEN'

While women in general are defined as the ' other', Muslim women suffer further levels of alienation and repression, even within feminism. This is due not only to the fact that most Muslim women are black, but because Islam and being a Muslim is grossly misunderstood and demonised. In the first part of the thesis we shall demonstrate how and why Western feminist frameworks and 'feminism' in short, have not worked for Muslim women and still pose many theoretical and practical problems, pointing out their specificity and thus the limitation of such frameworks. We will demonstrate that the specificity of these frameworks is due to the history of the Western movement of feminism, and that the culture, the politics, the economics and ideology of the West all had an impact in the development of feminism. For example the phenomenal social changes that occurred as a consequence of the industrial revolution, and later of capitalism are specific to the Western context.

But also the Western imperialist history generated a specific 'attitude' of Westerners in dealing with the colonized or 'indigenous' populations, attitudes which have continued to mark many Western studies with a distinct 'Euro-centrism'. These have proven hard to overcome to this day (E.Said, 1973), even though they are becoming more and more muted in the new climate of 'political correctness'.

Second we shall also explore some of the numerous and complex factors on the Muslim side which tally with the above mentioned ones to cause major problems, confusion and controversies around the issue of women's rights and women's position in Muslim societies/countries (for example the veil issue, inheritance rights and testimony of women in courts, or also issues such as cultural xenophobia of the West or the complexes associated with being colonized).

Third we shall conclude this important section by considering the future of feminism as a science, stressing the tremendous and almost phenomenal potential for change, feminism hold for the future of 'the project of science' as an equalizing discourse between men and women but also between different women.

Again I would like to make it very clear that the first and second parts of this chapter are only a critique of the current theoretical frameworks of feminism and this is not, and should not be confused with, a criticism of the aims and objectives of the whole feminist project and campaigning for women's rights in which I strongly believe. As a matter of fact I shall all along make it clear that most of the problems have many causes: historical specificity of the movement, lack of mature theory, lack of indigenous original intellectual efforts... but never because the aim and purpose of feminism were at fault. Indeed I think that women should be given similar opportunities to men in every aspect of life, it is rational and logical that no one should be under-valued or discriminated against because of their sex, age, race or beliefs.

My very concern with the method of feminism spring from my commitment and belief in this cause i.e the fight for women's rights. And the aims of this entire chapter are first to clarify what feminism really stands for, as the main aim seem to have often been clouded over by the huge amount of technical and scientific jargon. Which makes many sociologists and some feminists too become so engrossed with developing and scrutinizing the empirical method that they lost sight of the ultimate goal, especially being inattentive to women's freedom of choice, and independence of thought.

This has often been the case of over zealous writers dealing with the case of Muslim women. First, Western Orientalists and anthropologists, later sociologists and feminists... took it upon themselves to speak on behalf of the Muslim women, imposing their own values and mirroring their own experiences on women from a totally different cultural, socio-economic and political environment.

However, good intentions, no matter how praiseworthy they may be, are not enough nor are such approaches scientific. They harm not only the 'other' woman, in our case the Muslim women, but also undermines the whole feminist project. Serious academics should denounce these malpractice, realizing that feminism is not about duplicating Western women's experiences, but about giving all women the freedom to make their own choices, and more importantly respecting these choices.

Section one and two of this chapter will therefore concentrate on demonstrating what misconceptions and problems are caused by the specificity and limitations of the traditional theoretical frameworks.

However all is not gloomy, feminism has made gigantic progress and developed into an impressive discipline offering hope for the entire scientific project, thanks to output from women the world over, this fascinating subject shall constitute the last part of this chapter.

Chapter 2: FEMINISM'S POTENTIAL FOR THE FUTURE:

AIMS & ACHIEVEMENTS OF FEMINIST THEORY.

Feminists in their search for the root causes of misogyny or society's discriminations against women, have found themselves questioning and enquiring about society's deepest conceptualization/s of woman, where, when, how and why have such understandings been generated?

In order to explain what feminism is 'becoming' and why it has found itself struggling with what some would see as 'purely' methodological question and a theoretical issues. Some social scientists, have argued that this interest in methodology and epistemology by feminists... is not sociology, because in today's materialistic ethos of society, knowledge has become so fragmented, so ossified, an era of 'specialization' has set upon us that cannot see beyond the immediate and narrow boundaries of its own discipline. We shall therefore, follow the development of feminism as an academic discipline in its own right. Contemporary feminist theory is attempting to build some new overarching understanding of the general world in which we live, that is more objective and more encompassing than the theories previously used (Marxism, liberalism, psychoanalysis based on Freudian theory...), often criticized by Feminists themselves for being male centred. Is the aim here to remove the male bias and replaced it by a theory which is unbiased in its understanding both of gender and of the biasing effects gender has? If so how deep do we go in doing this? Have the social scientists of patriarchy simply got their facts wrong, so that the theories they have developed

misrepresent women's lives? If this is the case, as feminists we must do the empirical work better, collect the facts more thoroughly, so that we can develop better theories.

This line of argument implies that the existing scientific methodology is not at fault but it is the scientists that is not applying it correctly, perhaps because of their sexism. It could be suggested that the advent of feminism gives us the chance to change this sexism and thus reveal to all the biases which ignored and distorted women's experience, so that we all (men and women) will in the future, be able to avoid such bias and be better scientists.

However if the scientist is, like everyone else a member of society i.e subject to its values, this might suggest that, perhaps it is not just the case of correcting the sexist biases of individual scientists; rather the whole scientific enterprise may be hopelessly flawed, polluted by social values. Are the social sciences so imbued with sexism that they are impossible to reform?

The argument that this is the case, is a methodological one: The so-called 'scientific methodology', is in search for objectivity and rationality, necessarily excludes women and much that women's lives are centred around. In articulating the aim of making a separation between rationality and emotion in the pursuit of 'value-free' knowledge, this argument claims, are peculiarly masculine aims.

If we come to such a conclusion then the following question is; what can be done about it? Should feminism be attempting to build a new 'successor' science (term used by Harding, 1983), a science free of existing 'masculine' science's problems? Such new science or successor science would be based on deeper understanding of woman's experience in society and her experience of discrimination and sexism. It should therefore be able to produce a less biased and perhaps 'objective' science for all. Or is this a deluded aim? Should indeed theory aspire to Universalism? should it aspire at objectivity? Or must theory always reflect the standpoint from which it originated?

Should feminist theory aim at producing a woman-centred understanding of the world for ourselves alone, a theory limited to demonstrating the falseness of male-centred theories' claim to universality and objectivity, refraining from making such claims for itself. If feminists do this we need not claim a single standpoint for all women, for the diversity of women's experience of oppression implies an equal diversity of standpoints, giving no one the right to claim to know THE truth[10].

Of course, feminists are not the first to raise such questions. For a long time, the questions of how we acquire knowledge and what claims it is legitimate to make for such knowledge, have been the subject of debate with all the above positions being taken, though not in these particular gendered forms. This long-running epistemological debate among philosophers has rarely impinged on the work of social scientists and theorists, who have tended to, except at particular moments of crisis, pursue the process of trying to understand their objects of study, without worrying too much about the status of the theory being produced. This was also true of feminist theory initially, however this has changed under the constant and continuous criticism that went deeper and deeper into the methodology as well as the content of mainstream theory that was produced by men, and later helped develop alternative theories produced by women (Helen Crowley & Susan The historical circumstances in which feminist theory developed seemed to impinge directly on the process of theorizing itself not only on the subject matter of the theory. Feminists took and modified from Foucault: that the creation of knowledge is imbued with power, the power to define reality for others. This means that an alternative feminist knowledge also has to deal with the issues of its own power and who it represents [11].

Post-modernist discourses, both feminist and non-feminist, have rejected all attempts to impose a conceptual structure on the world as exercises in power[12] See, for example,

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10   Foucault, 1972: 348-367

11   See Aveen Maguire, 1985; Martin, 1988 in McDowell& Pringle, 1992.

12   McDowell & Pringle,1992; Mani, 1990; Harding,1986 in Crowley & Himmelweik,'1992.

arguing that it is only in so far as the perspective of one group dismisses that of all other that 'reality' can appear to have a unified structure; such theoretical structures are just attempts to police thoughts. Post-modernist feminists therefore argue that we should give up the attempt to exercise power in this way, and not claim that a feminist standpoint provides a 'superior' methodology that will produce greater truth. But to those who argue for a feminist standpoint, this is to abdicate all responsibility for talking about the world as it now is; having developed the ability to criticize the male-centredness of mainstream theory, it is then nonsense not to claim that feminists own theories are superior.

First we shall take up these epistemological issues, exploring whether male-centredness is a characteristic only of 'bad science' or whether it applies to all 'science as usual'. Deciding that the criticisms which focus on 'bad science' actually undercut the basis on which 'science as usual' is supposed to operate, we will turn to the issue of whether feminism should seek to build a successor science or should be sceptical of such a project. On this issue we shall make it clear that we do come down on the side of optimistic and constructive post-modernism[13], as opposed to that type of post-modernism as a dead end, or arguably a deconstructive theory for the sake of deconstruction, i.e a mere chanting of differences, a negative style of post-modernism that ends with complete and total relativism, such as Smith (1987).

In a second section we will explain what a post-modern framework concerned with political history and potential of feminist theorizing consists of. We shall therefore be tracing the development of feminist thought throughout the patriarchal epistemologies towards autonomy. A movement that rejects 'equality' (often what is meant here being identification to male life styles) as the standard by which progress should be measured.

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13   See Harding, 1987 : Keller, 1982 in Crowley & Himmelweit, 1992 .

Chapter 3: CONTEXTUALIZING FEMINISM:

GENDER, ETHNICITY, AND CLASS.

- GENDER AND CLASS DIVISIONS:

Here we shall examine differences between women in terms of their income, employment, educational attainment and overall living standards: a set of differences often summarized in the term 'social class'. The focus here, however, is not on international variations but on women's different social position in the UK over the last century i.e throughout the development of feminism (which is essentially Western and mainly British).

Allocating women to a social class is not always straightforward, as social class is usually based on some measure of an individual's occupation. For women, many of whom have interrupted working lives or are not in waged employment at all, it is not self-evident how to classify them. Many women still leave the labour market on the birth of their first child. In addition, women frequently experience downward social mobility on re-entry, often taking a part-time job in which their previous experience is not utilized to the full.. This creates a problem for studies of the changing social structure of contemporary societies. Because women's employment patterns are more complicated than those of men, social scientists tended, at least until recently, to cut women out of their analyses of social mobility altogether.

Certain social scientists (e.g. Oakley, 1974) have argued that it is, in fact, unnecessary to resolve these problems and to allocate women to their own class category, if living standards are the focus of attention and analysis. They suggest that as overall living standards, and possibly the attitudes and values of family members, are related to male head of household's occupation, it is this that should be used as the basis of that household's class position. In most circumstances it is, after all, the male partner's occupation that is usually financially the better rewarded job[14] .

However, such a practice hides inequalities within households. Feminist social scientists, have, for example, documented the often unequal division of total family income between different household members. And of course, not all women live for all of their lives in a household headed by a man. For women living alone, it is their own occupation, pension or income-generating ability that determines their class position and their standard of living. So, all in all, comparisons of the class position and living standards of women raise considerable methodological problems for social scientists. But more than methodological questions are raised here. The dichotomy sameness/difference is also very important, as is the meaning of waged work, and hence the experience of class may not be the same for a woman as for a man. For men, definitions of masculinity and of their sense of personal worth are bound up with their occupation in ways that are not the same as for women although femininity is also defined in the labour market albeit differently.

But is seems women's sense of self is seldom bound up with their waged work in quite the same way as men's sense of identity is. For women, expectations of social mobility, for example, may be through marriage rather than through waged work[15] . Here too, however, there are important differences between women as well as between women and men.

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14   Pateman & Gross, 1987.

15   Phillips, in McDowell & Pringle, 1992.

Therefore differences between women i.e the significance of categories such as gender and class, can respectively be, bases for uniting or dividing women. At times the differences between women who are waged and those who are not have been so great that it is hard to see where their common interests as women lay. At other times, as in the current period, women are united by their common experiences of gender rather than divided by their social class[16].

- GENDER, RACE AND ETHNICITY: BLACK FEMINISM:

Feminism has been frequently and seriously challenged by imperialism and racism. This is because, in combination with class, imperialism and racism have repeatedly posed the question of differences between women.

These criticisms made women aware that sisterhood is not a uniform concept; indeed it indicates that women on different sides of these global processes have significantly different interests. Moreover women oppressed and exploited by racism and imperialism, have some interests in common with their menfolk in opposition to White men and women. In reality this maps out a vast area of complex solidarities, contradictions and struggles between women, within the universal ' sisterhood'.

Black feminists[17] time and time again have questioned the fact that white, Middle-Class, Western women seemed to speak for the female sex as a whole, worst for assuming the white perspective general and ' universal'. This served to wipe out the differences black/white within feminism, such denial served to imply that all women have certain interests in common. Yet on closer inspection, these supposedly universal interests turn out to be those of a particular group of women: the group setting the agenda.

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16   *Phillips. 1987 in McDowell & Pringle, 1992.*

17   *Sa'adawi, 1984 ; Kabbani, 1994 ; Kandiyoti, 1991 etc...*

The second way in which it was claimed black/white difference have been suppressed in feminism is through its representation black deviance [18]. The issue is that black women have been marginalized in feminist discourses, so that when they are depicted, it is as the exception. Whiteness becomes the norm, blackness the oddity. Black women refused this consigned role of exotic anomaly[19].

Another important contribution of black feminism has been to raise awareness about how racism undermines black masculinity, treating it as pathological in relation to its white counterpart (yet another form of anomaly, of otherness). The myth of black men as rapists of white women, for example, justifies violence against these men and is an indication that not all men are equal in patriarchy.

Racism divides feminists, not because of our attitudes, statistics or concepts need correcting (although of course they do), but because black women have real political interests in common with black men, says Ramazanoglu[20].

Other women, moved the argument further questioning language and terminology. Many members of minority groups, other than those from the Afro-Caribbean population, argue that the generic use of the term ' black' as an umbrella term to include most of the non-white West European population, disguises the significance of differences between groups. Here we could argue for a more desegregated definition of division between women , based on ' ethnicity' rather than on the bipolar distinction between black and white[21].

This type of distinction has be criticized for being too divisive and leading to complete disabling of political mobilization[22].

18   Angela Davis, 1992.

19   Phillips, 1992:291

20   Ramazanoglu 1986: 85

21   Anthias & Yuval-Davis, 1992: 107

} all in Mc Dowell & Pringle, 1992.

In the following section we shall explore how and why the recognition of multiple differences and divisions between women can help us understand these women better even though as we already mentioned some feminists are wary of the loss of political momentum if such line of argument is followed. It could also be helpful to remind such critics that, the first and main aim of feminism has never been the seizure of power but freedom and liberation of all women within a climate of social justice for all members of society. Therefore any empowering of women (even minorities) can only help feminism get closer to its ultimate goal. Here of course we do not agree with the adage, the end does not justify the means, both the end and the means have to be just and fair to all women.

Sisterhood is powerful but sisterhood can also be misleading unless conceptualized. Here our analysis will serve to reveal the problematic of the notion of sisterhood and its implicit feminist assumption that there exist a commonality of goals and interests between all women. Rather we shall argue that every feminist struggle has a specific ethnic and class, as well as ideological context. Ignoring the context has helped perpetuate both political and theoretical inadequacies within feminist and social analyses.

The case of the Muslim woman becomes therefore extremely complex if seen through such rigid and inflexible theoretical frameworks, as Muslim women do not necessarily belong to a predefined class such as race, ethnic groups etc... Indeed using Western social parameters, Muslim women could not be packaged in any one category, often all they share is a purely ideological context, which translates into similar actions, for example the way they might dress, or the fact that they might require time off on Islamic festival days.

Perhaps the time has come to let women and perhaps men too (feminist males) define themselves into an interest group, such as those described above, as this seems to be a more adequate and realistic way of having a social profile. Dividing society along rigid

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22 *Barrett & McIntosh, 1985: 28*

lines of class, ethnicity or race; is not always how society behaves. We often find two women from the same class, same ethnic group, and even background disagreeing totally if their ideological allegiances are opposed, for example two Iranian intellectuals one pro-West the other a Nationalist or two Irish Christian women of similar class, one unionist the other separatist...

Western feminists, thanks to black feminists criticisms, are slowly but surely identifying such complexities and recognizing the need to broaden the frame of the current debate and the need to study the intersection of these rigid divisions along side class, ethnic and racial lines.

Feminism ought also to recognize that sometimes the same person can have interest with more than one group and that these interests may be graded in order of priorities if conflicting. For example; a black Muslim woman may choose to ally herself to the white Muslim community in the UK, yet supporting the fight against the nazi BNF. While such an attitude may seem contradictory if using Western social parameters, by which a black person is supposed to side with her ' own' no matter what.

On a closer look, there is no contradiction at all in this person's behaviour, it is the failure of our own theoretical framework that has created such discrepancies and it is this that should be corrected. The existing framework fails to take on board and address women's experiences which derive from factors like economic, political and ideological positions thus including an array of different groups of women.

Sexual differences and biological reproduction (the ontological basis of gender) are represented as having necessary social effects. Gender divisions thus usually work with a notion of a natural relationship between social effects and sexual differences and biological reproduction. We do not subscribe to such views nor do we accept that biological reproduction is an equivalent material basis for gender to that of production of class. The end result of such approach is indeed to reduce these social relations to their material base (biology), just as within Marxist materialism the reduction is to ' mode of production'.

Rather, we reject both class and biological reductionism. Gender divisions are ideological to the extent they do not have a basis in reproduction, yet reproduction is represented as their basis. Even if the ideological nature of gender divisions are difficult to ground in some distinct sphere of relations, it does not mean that they do not exist or have material and social effects.

However we must recognize the difficulty of an inherently materialistic culture such as the Western one to recognize, let alone take into account, such an alien and abstract concepts as a moral and spiritual multi-dimensional universe such as Islam. This has been a source of misunderstanding and even conflict between the two paradigms for a long time.

To conclude this section, we deem it safe to advance that all these divisions of gender, race, ethnicity, class and ideology are intertwined and act together at any one time, even if at times one factor might take priority, the others are still present and cannot be totally separated or disregarded as no individual ever lives in a vacuum. Each division represents ideological principles within which the others operate, although in different historical contexts and different social situations their role will differ. The society we live in is complex and our response to it too is complex and multi-layered.

Black feminists have indeed helped ' problematize' the woman's question drawing attention to many assumptions made by white feminists, and how such assumptions can be incorrect or even unfair to many ' other' women. Indeed black feminists have questioned the very category of ' women'. Can there be a unitary and uniform category of women?

This in fact implies that all women share common goals and interests, it also conveniently blots out all differences between women thus over looking the fact that women themselves participate in the process of subordination and exploitation of other women; for example white women in South Africa employing indigenous women as maids... or Israeli settlers exploiting the indigenous population as cheap labour in Palestine.

The indiscriminate use of a category ' women' has had yet another oppressive effect on the ' other' women in history. It has kept them hidden and invisible. The invisibility of women other than those who belong to the dominant ethnic collectivity within the Western feminist analyses, with the exception perhaps of the Afro-Caribbean community, has been very oppressive for minority groups. The heterogenous character of the ' Black' women has never been examined; all ' other' women have been conveniently packaged as such, not as who they really are but as who they are not, i.e non-indigenous Britons.

This unitary category, has also the damaging effect of ' assuming' a common purpose, indeed the purpose of the white woman is ' universalized' thus becoming THE purpose of all women of the world such Eurocentrism has been exposed by non-white feminists. Indeed can Western feminists issues (such as abortion, the depiction of family as the site of female oppression, the fight for legal equality with men etc.) be considered as THE feminist agenda for the women of the world ?

Feminist aims cannot be assumed to be uniform the world over, indeed these differ with time and place. For example abortion can not be the major issue when forced sterilizations are carried out, when the dangerous contraceptive injection Depo-Provera has been given in Britain and elsewhere almost exclusively to black and poor women, when in Britain more birth control leaflets found in family planning clinics are written in Asians languages than English (Brent Community Council Report, 1981:54).

Indeed this seem to be on line with the ideological and political control of population, the Beveridge Report in Britain had justified the establishment of child allowances in order to combat the danger of the disappearance of the British race.[23]

Families, too cannot be the major site of women's oppression when families are kept apart by occupying and colonizing forces (as in South Lebanon and Palestine). Even

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23   *Beveridge Report, 1942: pg 154*

Patriarchy or men as a whole can not be systematically seen as the ' enemy'. Indeed in many nationalist armed struggled women have direct allies in their menfolk while the colonizers too are on the same line as their women, wives and daughters... society can in many instances be divided along other lines than gender, in fact gender may become a redundant category all together. For example raped Bosnian women have little in common with the wives, mothers or daughters of their Serbian attackers and everything in common with the Bosnian army soldiers (men) who are fighting to save and protect them.

All these constructive criticisms have served to make feminists stop assuming the Western agenda as the ultimate criteria for defining the contents of Feminism as an academic discipline[24] . This means that, as feminists we are now faced with the problem of how to evaluate women's experiences and how to work towards formulating an adequate theoretical framework that would take on board all women's demands or be flexible enough and adaptable to all situations now and in the future. A framework which is constructed in a way that take into account the context of the ' other' women, nor try to impose the Western context as the backdrop[25] .

Feminist struggle can not be assumed to be homogeneous, for the oppression and participation of women is not uniform. White middle class feminists have to accept the specificity of their own experience and stop ' universalizing' it, they will they also stop automatically assuming that other women's aims and goals coincided with theirs. They will also have to recognize that many white women too have a role (albeit often indirect, i.e by supporting their menfolk) in the subordination of black women (and men). The divide often cuts across gender lines, many white women support and benefit from black women's subordination, while many black men stand along sides their commiserating

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24   Haraway, 1990:12.

25   Anthias & Yuval-Davis. 1992: 102

partner in suffering, sympathising and often actively supporting their struggle. Only on such a basis can a valid sisterhood be constructed amongst women.Chapter 4.

POST-MODERN FEMINISM AND STANDPOINT THEORY; THE PROMISE FOR A ' BETTER' FUTURE.

Feminist theorists have undertaken an important project in the examination of ways in which the scientific methods, theories and the institution of ' science' itself are sexist; and the task of devising new non-sexist scientific methods. They argue that the Cartesian dualism of subject/object and culture/nature categorize women and men in terms of their differences from one another with binary dichotomies such as emotion, nature, body symbolizing femininity and at the other opposite end of the divide, science, mind, reason as being the privilege of masculinity.

Women are realizing that there is developing an alternative ' methodology', looking at men and women as different but also similar. Masculinity and femininity could be looked at as two ends of the same continuum, seeing men and women as complementary ends of the same continuum, not as antagonistic opposites as is commonly portrayed.

This approach is very different from the one that consisted in including gender as a variable to the sociological investigation. Such approach has been unreflective about the nature of gender as a social category. Gender has been assumed to be the property of individuals rather than a principle of social organization.

It is the realization of feminist researchers that the inherent and deeply embedded sexism in ' science', the compatibility between masculinity and traditional forms of science and philosophy, that induces the findings of a new and influential feminist philosophy of science.

Feminist theory is dedicated to finding a perspective, a way of knowing the world that is a truer ' standpoint' than existing paradigms. This far-reaching inquiry into the nature of scientific thought is a challenge to the traditional ideology and institutions of science.

Feminist theory confronts and contests the notion that science is dedicated to an objective pursuit of truth. It suggests that, ' from the Enlightenment to the present day, science has worked with a limited notion of rationality, one which is biased against women' [26]

Feminist attacks on the abstract masculinity which dominates the scientific terminology are clearly an important deconstructive force in contemporary philosophical thought. "Science traditionally devalues women's experience and our way of thinking about them, for example women's contextualism, because science devalues the specific subjectivities of any person whom it observes". Indeed Smith show how feminist theory can help to create a better social science. [27]

Science could evolve less biased methods and representations, Smith claims, if it recognized (or accepted) that all thinking is interdependent with emotions and if science came to grips with the subjectivity of the thinker as a gendered social being. In addition, science should explore women's experiences of oppression. Smith delineates a ' sociology for women' in which women's experience of the everyday world will help construct alternative ways of knowing to those traditionally taught in academic institutions.

There is therefore an acute need for a theory that will let us think in terms of pluralities and diversities rather than of unities and universals. We need a theory that will break the conceptual hold, at least of those long standing traditions of (western) philosophy that have systematically and repeatedly constructed the world hierarchically

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26   *S. Harding, 1987.*

27   *Smith, 1986*

in terms of masculine universals and feminine specificities. We need theory that will enable us to articulate alternative ways of thinking about and acting upon, gender without simply reversing the old hierarchies or confirming them. This ' reversing' or what can be termed as ' short-sighted' use of Science has been done by the first wave feminist[28] and it has proved not only problematic but also prompted some discerning feminists to look at the root problems, thus helping the development of feminism but more importantly helping philosophers recognize the subtle epistemological assumptions inherent within the scientific project that have remained unquestioned since the enlightenment.

Post-modern feminism today is not simply interested in reversing the values of rational/irrational or in affirming what has been hierarchically subordinated, but more significantly, in questioning the very structure of binary categories. In short, feminist theory seeks to transform and extend the concept of reason so that instead of excluding concepts like experience, the body, history etc., these are included within it or acknowledged as necessary for reason to function[29].

In taking women's experiences and lives as a starting -point for the development of theory, feminism attempts to develop alternatives, as we believe that feminist theory should not and ought not to remain simply reactive, a mere critique, paradoxically affirming the very paradigms it seeks to contest. We believe in extending beyond the terms of anti-sexism, being positive and posing viable alternatives that enable women to claim the right to define their own aims and goals.

Future feminist theory attempts to establish a new discursive space, a space where women can ' be' as women, in order to encourage a proliferation of silenced voices (those of women but especially the ' other women, i.e non-White, non-middle class, non-European...); a plurality of perspectives and interests instead of monopoly of one, new kinds of questions and different kinds of answers. No one form would be privileged

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28   *Schreiner, 1920; Stracey, 1940; Brittain, 1927 all in Charvet, 1982.*

29   *Gross, 1987: 203 in Crowley & Himmelweit, 1992.*

as THE truth, the correct interpretation, the right method; rather, knowledge, methods, interpretations can be judged and used according to their appropriateness to a given context, a specific strategy and particular effects. Feminist theory is capable of locating itself historically, materially, enunciatively and politically in relation to patriarchal structures.

The second part of this thesis shall do just that introduce to the debate ONE alternative, a holistic world view that reject dualism, and herald unity of body and mind and accepts the values of rational as well as the emotional: Islam. An alternative that accepts and recognizes its ' specificity' indeed Islam, and hence Islamic law or shari'a[30] is only to be applied to those who profess the faith, non-muslims are not to be judged by shari'a.

The second part shall therefore consist off, defining, delineating and presenting the Islamic discursive space, where Muslim women can write, read, and think as such. Here too one could perhaps explain that as individuals we have a degree of commitment and understanding of what Islam means to us: issues of subjectivity are however beyond the scope of this present works, and at this early stage might only serve to further confuse the issue (because Islam can mean different things to different people). However they will need to be addressed sometime in the future development of feminist theory in the Muslim world in order to clarify, explain and explore the meaning of such category: ' Muslim women'.

This discursive space will encourage ' other' voices, here the Muslim women who will than speak for themselves, stating their version of events, their ' truth', their interpretation, their method that will be judged and used according to the appropriateness to the Islamic context, a specific strategy and a particular effects.

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30 "Islamic law", Doi, 1989.

An alternative theory capable of locating itself historically, materially, and politically in relation to patriarchal structures. We do see the next part as a novel contribution to the feminist the future feminist theory debate.

Chapter 4:THE PARTICULARITY OF WESTERN FEMINIST FRAMEWORKS:

The emergence of feminist ideas and feminist politics depends on the understanding that, in all societies which divide the sexes into differing cultural, economic and political spheres, women are less valued than men. Feminism also depends on the premise that women can consciously and collectively change their social place. The ' feminisms' that constitutes feminism -from social reform and suffrage campaigns through to academic feminist theory- are not indistinct. A broad frame is needed to encompass political activism as well as theory.

With its slogan ' the personal is political', first written by Carol Hanish (1970), contemporary feminism recognises that politics is too narrow a field to contain it, as feminism is also shaped by the cultural, legal and economic policies of particular societies in which it is placed as well as by the politics of reforming movements which induced it.

Western feminism, as the post Enlightenment mode of thinking, is by definition secular and anti-religious. This is a consequence of the ideological struggle between science and Christianity (specific only to Western Christendom[31]). It therefore is set to challenge religion, initially Christian dogmas and by extension all ' religions' came to be similarly perceived.

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31   *See Nietzsce. 1969:61*

The first and main problem is therefore that of religion or ideology and its engrained antipathy to it, but also the inherent Eurocentrism within modern sciences (including feminism), recognized by both Western and non-Western social scientists alike.

The Western-European model of society came to be seen as "the ideal", as the yardstick by which all other societies are to be judged and sized, and their success is measured by how good they are at imitating the West. Not only in economic terms but in culture and social values. Soha Abdel Kader explains:[32]

"modernization is usually taken to mean the spread of Western culture and concomitant spread of movement for the "emancipation" (author's own emphasis) of women"

While Farida Allaghi & Aisha Almana believe that:[33]

"women in the Arab world have been victims of many biases on the part of the outside researchers, primarily Western... conceptual and methodological tools that are not relevant to women's status in their respective countries have been used... concepts such as liberty, equality and freedom have to be questioned. In sum, the Western model of women's liberation has been considered the ideal model"

Fatiha Hakiki and Claude Talahite, criticizing the dichotomy: modernity versus traditionalism, saying, modern cultural system is of Western-type, while the traditional cultural system is prudently referred to as of non-Western origin. This way of stating the problem, stems directly form the colonial ethnology and anthropology, is it characterized by an ethnocentric or Europe-centred view of the Algerian women. the latter are viewed as belonging to its ' specific cultural features' (preferably Islamic). The centre of family... determined by religion and tradition, in which a ' mythical' past is perpetuated, the object being to build a dungeon sealed up by tradition... by contrast, the Western

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32   Abdel Kader, 1984: 148

33   Allaghi & Almana, 1984: 32

modern model is represented as the highway to progress... the ' only' positive alternative"[34].

Alya Baffoun also speaks of "the fundamental epistemological and theoretical stumbling block encountered by research in social sciences in our regions (the Arab world)" and points out "Western knowledge... remains centred"[35].

Even the most radical feminists such as Mernissi, a self confessed admirer of the West, who wrote that she is particularly fascinated by the modern world, referring to Europe and the USA [36] had to question the relevance of Western conceptual frameworks especially its intrinsically ingrained antipathy to religion as it does not apply to Islam. She continues:

"the West camouflage its self-interest by proclaiming that we can have either Islam or democracy, but never both"[37]

Yet, even professed admirer of the West like Mernissi has done a volte-face and has dedicated an entire book to the demonstration of Islam's inherent democracy and Social Justice writing:

"we Muslim women can walk in the modern world... knowing that the quest for dignity, democracy and human rights, for full participation in the political world and social affairs are... true part of the Muslim tradition. Of this I am certain..."[38].

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34   *Hakiki & Talahite. 1984: 84*

35   *Baffoun. 1984: 43*

36   *Mernissi. 1991: vi*

37   *Mernissi. 1991: vii*

38   *Mernissi. 1991: 8*

Professor Mernissi' case also proves the Muslim point, that a muslim woman can indeed be highly educated in Western institutions and method, admire the Western achievements and progress without necessarily giving up her faith, culture or identity.

This view has been sanctioned in Soha Abdel Kader's writing[39]:

"All historical accounts points to the fact that women in the early days of Islam and the countries that came under its influence, played an active role in the social and political life of the community"

Anne-Marie Schimmel strengthens the argument further by writing about Muslim women's contribution to theological thinking; women played a positive role in Sufism (mystical Islam) in fact it was a woman. Rabia' al-A'dawiya was the first Sufi and was the same to introduce the concept of pure love to into mystical Islam. She has accordingly been venerated for centuries. Schimmel adds[40]:

"contrary to Christian ideal of the virgin saint, the nun or recluse who experienced the highest ecstasies in her lonely cell far away from the bonds of husband and children, most Islamic women saints were married and usually had a family. It was thanks to them that their children grew up in the atmosphere of perfect trust in God and piety as was still observed in the villages..."

Amal Rassam also writes about the inadequacy of the Western Eurocentric models and the need to develop a new framework for the study of the Muslim world [41].

Fatma Oussedik too, says of the Western feminist's statements that they are "unfortunately tinged with colonial anthropology" and acknowledge the "weight of ideology as a structuring factor" [42].

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39   *Abdel Kader, 1984: 145*

40   *A.M Schimmel, 1982: 150*

41   *Rassam, 1984: 122*

Western authors too are admitting to their ' Eurocentrism' even zealots such as Minces, who presents very negative images of the Muslim woman. in her writings giving them terrible titles such "the house of obedience"[43] rarely representative of the entire spectrum of Muslim women in general, admits her ethnocentrism[44].

Nelson and Olesen[45] too criticise the Western feminist use of the concept ' equality'. According to them, the idea of equality........

"not only undergirds the thinking of the platforms upon which Western feminism stands but also is put as a universal moral imperative for all human societies"

. When in fact, the Western idea of ' equality' is to a great extent the product of the capitalist environment and is therefore qualified by the capitalist imperative. What makes an understanding of Islamic principles of male-female relations so difficult for the Western feminist is Islam's overwhelming commitment to the notion of complementarity[46]. Fervent, radical feminists like Nawal Sa'daoui. have come full circle and after three decades of attacks on Islam have realized that she has been barking up the wrong tree, in 1982 she wrote[47]:

"The original cause of Arab women's oppression is not Islam but patriarchy, capitalism and imperialism..."

There are also empirical problems. For example one of the typical trend indicator for women's emancipation is often employment. As though to be employed was

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42   *Oussedik, 1984: 116*

43   *Minces, 1981*

44   *Minces, 1981: 3*

45   *Nelson & Olesen. 1977: 21 in Social Sc. Research & Women in the Arab World, 1984 by UNESCO*

46   *Nelson & Olesen. 1977: 26*

47   *Sa'daoui, 1982: 206*

synonymous with being liberated and self-fulfilled! This could not be further from the truth in real life.

Saddeka Arebi demonstrate how the state can exert total hegemony over the whole population males and females when it is the employer[48].... Women's dependence is merely transferred from a male (or group of male relatives) to the anonymous state, such shift of dependence from the individual man to the state is being closely studied in the West (the welfare state being resorted to for both sustenance and for employment). This shift represents the development of new types of patriarchal power, which demands a more careful analytical and political scrutiny of the state. Borchorst and Siim[49] fully agreeing with Arebi's analysis.

Soha Abdel Kader also points to the lack of consensus about empirical indicators of women's status. These are usually: Theoretical definition of status attempt to measure things like: power, prestige and esteem involving value judgments. And; empirical indicators are not comprehensive and empirical data is too often biased[50].

Amal Rassam draws attention to[51]:

"the arbitrary separation of public/private as being problematic if not altogether an unsuitable framework for the study of male-female relation in the Arab world... who are seen to operate within different but complementary spheres which are equally important and necessary for the reproduction of the social order".

. Indeed this spacial dichotomy of public versus private can be directed traced to the post-feudal era or industrialization age, whereby men had to live the family and take employment in factories etc...women were left at home looking after young children.

48   Arebi, 1991: 105

49   Borchorst and Siim, 1987

50   Abdel Kader, 1984: 158

51   Rassam, 1984: 125

Whereas before all the serf's family worked together in the field, serving their landlord. It is difficult to transport such categories to an environment where neither feudalism nor industrialization and capitalism ever took place. And doing so reflect deep intellectual myopia[52].

Rassam also makes use of what she calls "social evolutionary theories" including ' developmentalism' to illustrate the inherent contradictions and limitations generated by the process of change. For example programs to increase women's employment in the public sector may increase their exploitation, making them doubly exploited... agreeing thus with the developmentalists on the crucial role of the states, policy makers and their ideological commitments. She also evokes theories of dependency, arguing, not unlike H. Saffioti, the Brazilian sociologist, that:

"women constitute a reserve labour force available to join capitalist production only when required"[53]

This theme was picked up by Mernissi in her article "nos femmes invisible rapportent des milliards"[54] These writings illustrate that employment levels of women are by no means an indicator of their ' liberation' or ' emancipation'.

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52   Rodinson, 1974.

53   Saffioti. 1984: 8 in Mernissi, 1991.

54   Mernissi. 1979.

Chapter 5:THE MUSLIM CONTEXT & FEMINIST CATEGORIES:

METHODOLOGICAL PROBLEMS.

- ORIENTALISM & FEMINISM.

The Muslim world and in particular Islam has always been a problem for Western analysis. Neither have been made to fit any neat Western model. The result of this has been crass misplaced and misinformed ideas about Islam.

Invariably Muslims and Islam have been (and still are) analyzed from a wholly inappropriate model with inadequate starting positions. For eg Islam and Capitalism in Maxine Rodinson's thesis [55] is the usual question of "why did Muslims not develop capitalism? What is wrong with them?".

This very same question is the basis of Weber's analysis of the Ottoman state and also Marx's cursory analysis, subsuming everything outside Europe to a derogatory "Asiatic mode of production" [56].

Some feminists writers (mainly those of Marxist inclination) have attempted to conceive of Muslim social formation in terms of ' Oriental Feudalism' closer analysis of the Islamic societies could never agree on any form of feudalism ever being present nor capitalism [57]. This was quite contradictory to the reality of these societies. While others

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55   Rodinson, 1974.

56   see Bryan Turner, 1978

have hoped to stay closer to the facts and to Marx's thoughts by substituting for Oriental Feudalism an ' Asiatic mode of production' of which Marx wrote on a number of occasions, which he saw a one of several forms of the primitive community. In addition to the obvious problem of Orientalism pervading much of the Marxist writings, there is also a real problem of theoretical inadequacy with respect to Islam or the Middle East.

After considering the validity of the Asiatic mode of production, and making certain theoretical decisions therein, Turner concludes that[58]:

"...while Marx generated a theory of the crisis of Capitalist mode of production, he did not possess a fully fledged, coherent theory of non-European social formations, their histories, structures and contradictions"

. A variety of commentators have argued that the concept of ' feudalism' and ' feudal classes' have a restricted relevance. Al-Kudsi[59], clearly demonstrates the inappropriateness of Marxist categories for the Middle East. These are general problems when applying Marxian analysis to Islamic contexts.

But there is also a more particular problem which is relevant to the subject of this study: the stratification theory. Stratification theory is based upon the ranking of social classes thus requiring some sort of class structure and it is also based upon the orientalist conception of the ' mosaic model' of social structure in the Middle East.

Turner, explains the mosaic theory thus: Whereas orientalists treated ' classical Islam' as a mosaic of ethnic and religious collectivities in which politics involved circulating alliances of elites within the broad framework of oriental despotism, contemporary political scientists regard the Middle East as a patchwork of social classes in which

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57   *Maxine Rodinson, 1974.*

58   *B.Turner, 1978: 24*

59   *Al-Kudsi (1984) in Abdel Kader, 1984.*

politics involves elite struggles in the context of authoritarian government. The old mosaic is cemented together by the state equipped with nationalist ideology [60].

The very aim of such stratification theory i.e ranking the individuals within a social category in order to predict its voting pattern, consumer preferences etc... has little relevance in non-democratic and non-capitalist environments such as the third world in general and the Muslim world in particular.

And ongoing feminists debates as to whether a wife should follow her husband social category, or do housewives constitute a class by themselves: a class of house managers? are of no immediate concern to women in the Muslim world.

The discourse in which feminist scholars have been trained inevitably raises the question of how far can we use these theories? Are they irrecoverably centred in male experience? And since feminist theories consider historical, economical, religious, biological, artistic and anthropological constructs and explanations, must we not consider how specific these theories are? How far can they be generalized and is it appropriate to see them as ' universally' applicable to all cultures and civilizations?

"Universalism" is being questioned by a diversity of theorists? In McKinnon's words, consciousness raising is the essential first step in feminist theory, she further appreciates the value of consciousness raising by describing it as:[61]

"the major technique of analysis, structure of organization, method of practice, and theory of social change of the women's movement".

Susan Griffin further clarifies the matter by emphasising that the theory remains true to its vision when it continually tests thinking against experience, making sure it remains rooted in the real lives of women it is speaking about[62].

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60   *Turner, 1978: 48*

61   *McKinnon, 1987: 5*

One therefore might be forgiven for asking what relevance do most feminist theories have for the Muslim world or any other parts of the non-Western European world? We must point out here that to demonstrate the inadequacy and limitations of Western-specific theories and modes of thought does in no way imply their total redundancy, as a matter of fact they work well in their particular context. And this only confirms that theories and modes of thought are ' specific' and have to be developed by considering historical, economical, religious and cultural factors of the population in question.

Here too, we must realize that, the emergence of Muslim sociologists writings does not systematically means the emergence of a more adequate and relevant theoretical framework as one must remember that they all have been taught to think, write and conceptualize women's problems along Western paradigms. This becomes clear when we see most Muslim sociologists using ' categories', concepts and social trends indicators such as equating women's liberation with paid employment... or focusing so heavily on issues of fertility (the subject par excellence of Western writers, when considering ' primitive' communities, the breeding patterns and sexuality is about all that present some interest it seems [The Eugenic argument is outside the scope of this study]). They rarely question the categories, concepts and paradigms used in Western modes of thinking.

Because of their colonial experience with the West most Muslims have a difficult and sometimes extreme relationship with everything Western. Many dismiss most of what is Western as ' corrupt' while a minority, usually the ruling elites, seeks to emulate everything Western to the best of its ability without ever questioning or selecting the appropriate from the unsuitable.

In our present work we therefore propose to not merely analyze the construction of understanding in terms of the categories and concepts explicated, but also a

62   Griffin, 1984; 254

de-construction of others paradigms which are ideologically loaded. As the failure to take proper account of Qur'anic nomenclature has led to not only the crass critiques of Islam (as an ideology in the broad sense) but has also led to incorrect interpretations by many Muslims writers themselves. Amal Rassam points out the difficulties Muslims writers have had by insisting on reading Islam according to hard and fast Euro-centric analytical framework [63].

With respect to Islam, it is not only the terminology that will present it self problematic, as the very different ontological framework in which to place them...[64].

- THE FEMINIST THEORIES AND CATEGORIES:

Many well known sociologists make extensive use of Western paradigms without any qualification, wholeheartedly embracing concepts and social indicators and rarely stop to consider their relevance albeit their purpose, without questioning. One has to consider the overwhelming amount of literature concerning the Middle East in particular and the third world in general that deals with issues of sexual behaviour and breeding patterns. Reflecting the Malthusian and/or Eugenic concern of population growth rather than genuine interest in women's health, well being and as individuals and full member of the world humanity.

Saddeka Arebi demonstrated that paid employment may substitute familial control with state hegemony over women as well as over the men; as familial power is transferred to the state (as employer and economical policy maker). This process of subordination of the family have also been identified by Western writers such as Donzelot, Molyneux...

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63   *Rassam, 1984: 125*

64   *Mona Abul-Fadhl, 1989*

Last but not least the destruction of local communities and loosening of traditional family forms often occurred as unintended (yet beneficiary) consequences of capitalist penetration of these countries rather than the direct result of a state policies. This seems the more peculiar when one looks back at the roots of feminist thinking, which was all about seeing the ' other' not as female (Simone de Beauvoir: "Le deusieme sexe") but as an individual who thinks, feel etc...

Another striking contradiction directly resulting from this lack of assessment of ' theories and categories' is that the very purpose of Arab women's liberation was articulated within a nationalistic framework[65]. Women's illiteracy, seclusion and inequality were not denounced because they so blatantly curtailed the human rights of one half of the population, but because they created ignorant mothers, shallow and shimming partners, unstable marital unions. But more importantly that this produced lazy and unproductive members of society. Women were/are presented as a wasted national resource[66].

Kandiyoti speaks of the dilemma of the ' modern state' vis a vis the women question. Should it liberate women, by using their ' labour potential' or should it give up the era of family laws and women's rights over to the conservatives (also referred to, as Islamists or fundamentalists by the media) in order to achieve some political consensus and attain a degree of legitimization of power (as most if not all, Muslim governments are non-democratic states). Thus women are not seen (even by feminist writers) as full individuals who deserve full citizenship and acquisition of their rights as members of their society, but as a ' labour potential', a ' resource' to tap in by so-called modern government who do not hesitated to ' use' them as bargaining chip with the ' Islamists'.

At other times women were emancipated to fulfil new needs. Jayawardena, links the demand for ' civilized housewives' to the need of male reformers of the local bourgeoisie

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65   Sa'daoui, 1984; Mernissi, 1982

66   Jayawardena, 1991 in Kandiyoti, 1991.

who wanted to enhance their own civilized image: the enlightened modern man was demanding his counterpart, the ' new woman'.

The family most suited to deliver this ' modernity' was the nuclear family[67] . It is very common to find most of these ' modernist' governments with secular legal and economic systems, astonishingly espousing religious laws when the family code is concerned.

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67 Jayawardena. 1991 in Kandiyoti, 1991 (ed)

Chapter 6: MUSLIM WOMEN BETWEEN THE STATE AND THE FUNDAMENTALISTS.

In a broad survey of feminism in the Third world, we can often see a link between the emergence of feminist movements and anti-imperialist and nationalist struggles, as well as a general move towards secularism, and a renewed concern with social reform, modernity and the ascendance of an ' enlightened' indigenous middle class. Muslim societies share these general tendencies.

At the turn of the century, reformers of women's condition emerged from the ranks of an educated, Westernized, nationalist, male elite. Their concern with women's rights, centring around education, seclusion, veiling and polygamy issues, coincided with a broader agenda about ' progress' and the compatibility between Islam and Western style ' modernity'.

It is customary to present the reformist zeal of the modernizers and the defensive entrenchment of the conservatives as two sides of the same coin: a reaction to the economic and cultural penetration of the West. Some reformers sought to transform their societies by emulating the values of the West, although more often than not, the preferred policy was to argue that the principles enshrined in the Western model were compatible with a ' modernist' reading of Islam (except Turkey who was honest and open enough to openly proclaim the rejection and banning of Islam, becoming a secular state).

The conservatives, on the other hand, perceived such reforms as a total attack on the integrity of Islam and a capitulation to Western cultural imperialism.

In such an atmosphere the ' woman question' emerged as a hotly contested ideological terrain where women were used to symbolize the progressive aspirations of

the secularist elite or a yearning for cultural authenticity expressed in Islamic terms. Both women and Islam were hostages in this male show for power between the two parties.

Adding to all this the historical dimension: Colonial administrators and Christian missionaries attempted to reform the sexual mores and family traditions of Muslims as part of their civilizing mission or colonization, thus creating an area of cultural resistance around women and the family [68].

The colonizers' interests in ' Westernizing' or ' modernizing' Muslim women produced in the minds of many a close association between feminism and cultural imperialism. Any attempt to change the position of women could henceforth be imputed to imperialist or neo-imperialist designs[69].

These fraught beginnings account for much of the continuing confusion (in parallel to the methodological parameter discussed in other parts of this work) in the debates about women in Muslim societies.

The last parameter that adds to the general confusion, we shall merely mention (as the examination of the political projects of contemporary Muslim states and their historical formation and transformations is a whole topic by it self well beyond the scope of this work) is the fact that most Muslim countries are engaged in the process of nation-building. The breakdown of the religiously legitimized Ummah (no similar concept exist for such an entity in English, the closest perhaps is trans-national community) and the post-colonial emergence of new geographically determined states have necessitated new notions of sovereignty and citizenship causing deep soul search for a unifying ' national' factor. Nationalism up to now seems to cause more problem than is solves[70].

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68   *Franz Fanon,1967: 251*

69   *Sartre, 1976: 752*

70   *Anderson, alias Aaron Benjamin, 1973*

The situation in most Muslim countries can be easily summarized by one passage from the Moroccan acclaimed feminist, Fatima Mernissi, when she writes; while most Muslim regimes disagree politically with the Fundamentalists about almost everything, they do agree with them on women and their place in society."!71□.

Examples of this situation are numerous:

* Those of state contradictory pledges and policies: Turkey is a good example of contradictory policies, while claiming to be herald of women's rights the Turkish government show complete contempt to human rights when it forcibly dictates elementary matters to its citizen: the new dress code being only one! expulsion of female university students for not complying with such intrusive and patronizing dictates another.

These same governments which granted women new rights proceeded to simultaneously abolish independent women's organizations where they existed, while setting up state-sponsored women's organizations which were generally docile auxiliaries of the ruling state-party, often headed by a man (as in the Algerian case of the ' union de la femme Algerienne' or UNFA and its strong links to the FLN; or in the Iraqi case under the leadership of the Ba'ath party... this syndrome was also evident in Turkey, Iran and in Egypt, who immediately after granting the suffrage to women in 1956 moved to outlaw all feminist organizations).

The confusion stretches further, as Muslim governments in Pakistan for example now finances ' The Islamic Foundation' which publishes tracts condemning family planning while at the same time supporting US funded attempts at population control. Pakistan also had put up with a female prime minister (Benazir Bhutto) yet it is in the same country that women victim of rape are punished under a strangely sexist interpretation of Islamic law or Sharia' (the hudud laws).

71   *Mernissi, in Kleinberg, 1988: 343*

* Fundamentalists foresaking Islamic teaching for cultural and traditions when women are concerned: By insisting on customary laws rather than Shari'a (Islamic law), they fail to honour women's inheritance rights (granted to them under Islamic laws of mirath). Because these traditional males had very little political or economical rights vis a vis the ruling secular elite, they seemed to vent their frustration the only way they are allowed to, i.e in the social sphere, where their feeble demands were granted by the autocratic dictatorships in which they live (most Muslim countries are ruled by undemocratic one party leadership or totalitarian and repressive kingdoms, few of them even pretend to hold any elections[72]).

All this can be summed up by a peculiar and consistent agreement between these two male sections over the subjugation of women, as this is in their respective interests. This is well illustrated in the case of Pakistan, when the introduction of ' Hudud' (penal) Ordinance 1979, mentioned earlier, no difference had been made between rape and adultery. Thus making it practically impossible for women to press rape charges, in complete contempt to Shari'a, which explicitly condemns the rapist to death! Moreover female victims of rape have found themselves accused of adultery and consequently put in prison.

These ordinances of 1984 have also reduced women's evidence to half that of a man's; whilst it is a known fact that Shari'a requires two female witness in specific judicial cases only (witness of crimes, so as not to put women-witness in risk of threats etc... and consequently help women who witness a crime to report it).

At no time had Islam declared women inferior or equated them to half a man. The story of Hafsa bint Omar, an eighteen year old young women (Omar was the second Caliph to rule after the death of the Prophet) who was sought a the sole witness to the authenticity of the Qur'an proves the opposite (Hafsa's witness was accepted by the first

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72   See Mernissi, 1994

Caliph Abu Bakr for an extremely important matter under Islamic jurisprudence, if not the most important ever, since the authentication of the holy book of Islam: the Qur'an).

Yet, it seems safe to make a first deduction from such a situation that both (male) parties are making use of the women issue to suit their own particular political aims. Therefore the logical response from women is to distance themselves from both, refusing to become a pawn in the hands of the politicians, and making their demands heard on their own merits, perhaps then both parties would, in order to attract their political support, start making real modifications and relevant adjustments in their policies.

To sum up, it seems that, women should become actively and positively involved in shaping their future not merely commenting, and criticizing the plans men (whether Modernists elite or Traditional Islamists) have made or are making for them.

Women should not work on the false assumptions that the so-called ' Modernist' states are on their sides, nor should they rely on the Islamists who mights concede certain Islamic rights to women in order to gain legitimacy in the political arena.

Women need to take their rights and achieve their emancipation on their own terms and as fruit of their own activism. For this women need to be extremely aware and clear as to what their aims are, they need to define their goals and draw clear strategies as how to achieve them within the Islamic framework (as we previously pointed out, Islam is not a mere religion, as in the Western sense, but a system of norms and values that permeates the whole fabric of society, at all levels, and affecting all individuals, whether Muslims of Faith or otherwise).

It is worth mentioning here that in the Muslim countries, as in most Third World countries with little freedom of speech, academics may indulge in criticizing the opposition (and are often encouraged to do so) but are "...limited by the authorities, almost all are restricted to ' the women question', as opposed to more urgent and acute social problems, yet any attempt to link it to the wider political repression and total absence of freedom of speech are curtailed by the authoritarian governments"[73] .

This is a very important factor, as it is hampering the very experts, those who live and know the situation best, from having their say, and criticizing each other's or outsiders's works. This is posing a serious obstacle to any serious academic study.

Other academics and researchers, such as the few women who achieve high education and have access to the political platform, i.e those women from rich and influential families (dominant class), while airing demands on behalf of all women, do generally avoid overstepping the terms of their class accommodation with the state[74] even if they may be unlikely to face retribution if they do infringe the unspoken rules.

73   *Taher Benjelloul, 1985: 70*

74   *Aisha Jalal, 1991: 89* *in Kandiyoti (ed) 1991 .*

Chapter 7: FEMINISM IN THE ARAB WORLD: HISTORY AND DEVELOPMENT

BRIEF HISTORICAL BACKGROUND TO WESTERN FEMINISM

Feminism as a political movement (in the Britain and France where the suffragettes movement first originated) has, at every stage, produced a complementary academic interest in the study of women. In the initial stages of current feminism, the aim was to make women visible as object of study. Most studies had either ignored women altogether or homogenized them with men under the assumed non-gendered and universal category of MAN (as within human being, genderless, raceless, classless). Women as a gender -like many other categories- were thus invisible. The task of feminist studies in the early stages was to render women visible, to demand equality for women as object of knowledge.

This paralleled the feminist political project of creating equality for women, meaning equality with the position of men (the norm) in society, by removing those disadvantages currently associated with being a woman. However, this perspective failed to recognize that men's positions in society were just as gendered as women's. It was not so much that women were disadvantaged by their gender, but that men were privileged by theirs. It was very difficult for women to compete with men in a society that was constructed on men's (male) terms, as women were rendered visible by measuring them against scales appropriate for men. All that could be shown was the ways women were the same or different from men; and little had been (could be) said about the structural interdependence of the genders, and women's own experiences and capabilities.

Both the political project and related academic one were based on an individualistic ideology in which the common humanity of women and men as rational, cerebral and cognitive individuals justified their equal and humane treatment (many women all over the world receive very harsh and inhumane treatment at work, under the law and in society at large, they are devalued..[75]

This individualistic philosophy contains within it the inherently implicit category of THE rational, reasonable self-seeking individual or man, these individual can only do so because there are others -women- in society that do not behave in such way, for society needs new generation to continue to exist, however such un-sexed, self-contained and self-seeking rational individuals could not reproduce nor would they choose to altruistically care for a dependent future generation[76].

Real societies therefore depend for their very survival on forms of behaviour other than that defined by individualistic philosophy. This implies that some difference between the sexes is a necessary postulate to support the very model upon which denial of the significance of gender are based[77]. The issue here is not whether rational individualism provides and adequate model of the behaviour of individual rational men, we will have to question the category of the universal man as it becomes relevant. As well as the rejection of the value of the forms of rationality, and dispassionate objectivity, of the Archimedean perspective, which were to be the means to knowledge[78].

What is at issue are the limitations of such ideology as the basis of a theoretical model of society. These limitations become clear as soon as reproductive difference is recognized. Women can only be considered for their failure and shortcomings

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75   Pearson, 1992: 285 in Mc Dowell & Pringle (eds) 1992.

76   Heilbrun, 1980: 265

77   Gross, 1992: 359 in Crowley & Himmelweit (eds) 1992.

78   Harding, 1987: 338   "   "   "   " .

-sometimes successes- in conforming to this supposedly gender-free norms in such individualistic model[79] .

My argument here is that it is the norm itself that is the problem not women themselves. The very model is totally inappropriate to understanding a gendered and self-reproducing society as we know it.

A second and more theoretical stage in the development of women's studies was the recognition that women's lives were centred around different issues than those of men, and that these needed to be studied if we were to gain an understanding of the way gender was structured and constructed in society as well as how it impacts on women's lives and shapes their experiences in gendered society. Thus the areas that had not previously been theorized, such as the family, sexuality, interpersonal relations and other aspects of the private domain, all became objects worthy of theoretical analysis. This was an attempt to rectify the previous mode of studying women as substitute men. Women and men were to be studied not just in the masculine public domain but also in the private sphere albeit according to male criteria and male-made mode of thinking[80] .

The recognition of the theoretical importance of those aspects around which much of women's lives and experiences revolved, was supposed to correct the masculine bias of existing social theory with its concentration on the public domain of politics and economics. Politically this meant recognising that women's position would be fundamentally improved by radical transformation of society in which the divide between private and public were transformed. These two constructed concepts, developed, in post-industrial Western societies, have been indiscriminately, applied by social scientists to other non-industrialized, non-Western societies[81] . Both these projects (political and

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79   Strathern, 1980

80   Flax, 1983: 67

81   Hartsock, 1983 a,b in Harding & Hintikka (eds) 1983.

theoretical) were and still are extremely ambitious, for such radical transformation of society will leave no aspect of it untouched.

Similarly, the theoretical project of analysing previously non-theorized parts of society involves a re-examination of all existing social theory which has concentrated on aspects of interest to the males, but also White middle class West-European sociologists as well as deeply reflecting their own ideas, prejudices and limitations.

A new feminist social theory was therefore not only fulfilling feminine needs but also demonstrating the specificity and perhaps limitations of the pre-existing male, Western (of Judeo-Christian tradition), upper middle class theory that was constantly perceived to be UNIVERSALly valid, regardless of gender, culture, race, ethnicity, class, culture, ideology and religion[82].

By the 1990's feminists theorists had realized that aiming at developing such mega-narrative was a useless quest, no theory will be always valid everywhere, expect perhaps a theory that is flexible enough, realist and pragmatic enough to start by accepting that it is not so, allowing for different standpoints i.e a theory that takes into account gender but also the race, ethnicity, age, culture... as well as ideology. Ideology or the way we think is an important point as individuals or groups' actions and behaviour are often shaped by their ideas and believes rather than their colour or gender; for example a Christian nun will be in full agreement with a priest on issues of abortion and in total disagreement with many of her female counter-part, here ideology will precede gender, and there are many more examples when race or ethnicity will be superseded by ideology and conflict of interests between women in any one society.

Feminist theory need therefore to take these facts into consideration and incorporate new categories flexible enough to recognize that, while women may come together on may issues they too (like men) can find themselves in disagreement. Such recognition

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82   Rose, 1984: 24

need not be a weakness as argued by many alarmist and perhaps insecure feminists but could even be a strength in future feminism, built on more equitable and honest foundations. This approach has already given birth to what is called a feminism of difference, a promising face of feminism for the future[83].

Feminism, in the 1990's has blossomed into a challenging critique of the theory of knowledge and Western mode of thinking that has traditionally been the domain of White upper class elite men[84].

One could perhaps ask what of the elite women? They too had a relatively restricted lives, in the sense that men in those days did think that women had the capacity or mental ability to use reason (not unlike the ancient Romans and Athenians, claimed by Westerners as their heritage who even questioned women's having a soul... see Aristotle' ethics).

In attempting to re-conceptualize the whole world feminism is making many undesired waves, but also opening many avenues for the other women, to contribute to this previously hermetic and elitist domain of theorizing[85].

This critique of the science as we know it or "normal science" i.e a mature science where conceptual and methodological assumptions are shared by the inquirers (usually white male) in a field[86], and especially of its claim to objectivity, has come to form part of what we know as post-modernism. Post-modernism takes issue with central tenets of Western Enlightenment thought and the existence of essential truths and an objective universal method, attempting thus to uncover the entire Enlightenment scientific project[87].

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83   *Aziz. 1992: 292 and Mani. 1992: 306 both in Crowley & Himmelweit (eds) 1992.*

84   *Harding, 1986: 645*

85   *Kundera, 1984*

86   *Kuhn, 1970*

Post-modernism challenges such views, arguing in favour of more local and historically specific pursuit of theory or vantage points. It also debunked claims of objectivity of existing theory by showing how it masked masculine privilege and self-interest, however we must point out here that masculine is not an all inclusive term it does not apply to ALL men, but only to those powerful enough men who formulated these theory, mainly les philosophes of the Enlightenment: White, upper class Western Europeans (mainly British and French) of Judeo-Christian tradition.

While Western feminists may not see the relevance to specify the obvious i.e their menfolk, other women find these parameters extremely relevant as we will discuss it later. As this will imply that unlike the Western woman, the black, the working class... or the Muslim does NOT perceive her male counterpart to be the opponent but The White, upper class, Western European men and their womenfolk to be the opponent. As they have colonized her and her menfolk, pillaged her countries resource, enslaved her and her menfolk -the Black African women especially- impoverished her and her menfolk, to this day the exploitation is carrying on through different economical and political methods. Feminism, thanks to the contribution of the other women, is therefore moving toward a theory that acknowledges the conflict of interests between women and recognizes that some women (White upper middle class woman) have to take responsibility for their collusion with their men in exploiting other women and other men too.

Feminism has questioned the very notion of a supposed universal and boundless sisterhood, which we all know does not exist, the reality is that women like men, follow their interests. And that most white women have colluded and benefited of their men's ill acquired gains through colonialism, imperialism and racism... but also that most black men are exploited more so than some women, for example a Black man can have less opportunities or indeed respect than a White woman in most European societies.

87   Haraway, 1983:76

This awareness presumes a move away from the usual perception of all females as passive and perpetual victims.

We must therefore be very wary of generalizations inherent in universalism and a kind of science or scientists that assumes their truth to be THE truth and only version of reality, and therefore attempt to resolve every equation with the same rule even when most parameters are different[88].

Feminism, in the 1990s, while itself rest upon the essentialist notion of "woman", strongly challenges the reduction of the social to the biological. However feminism could not and should not attempt to reject essentialism in itself, but strive at uncovering false universalism.

This strategy has proved to be a constructive one and leaves room for theorists to formulate a proper feminist theory which can make greater claims for itself than male-centred theory it criticized. This alternative feminist theory or standpoint argues that women, through their subordinate position in society and their experience of reproductive as well as productive labour, are able to develop a more objective viewpoint than men who have more restricted experience and have more to gain from hiding the truth. This standpoint, it should be noted, shares with post-modernism the view that what distinguishes feminist theory is that women are its subjects (as well as objects)[89].

This very claim, that it makes a difference who does the theorizing, forces us again to recognize that women are not just individuals, rational members of a non-gendered humanity, but they too have vested interests, different allegiances that over arches their participation and motivations in the feminist project. In a word, while women might be more adequate than men to theorize women's issues, we should not be as naive as to say that women are totally objective or completely innocent either! They are not.

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88   Fox Keller. 1987: 231 in Mc Dowell & Pringle (eds) 1992. also published in Harding (ed) 1990.

89   Flax. 1986

For example many feminist hide their real political or ideological agenda behind their apparent feminist one. For instance an Israeli feminist might criticize Palestinian women for having too many children in very poor conditions[90] , while never alerting the reader that this might be a deliberate policy on the part of Palestinian families to have as many fighters for the future, to take up the Palestinian liberation project. And without ever referring to Israel's aggressive policies to curb the Palestinian birth rates by offering free and extensive family planning facilities, while at the same time, actively preventing all Israeli women from access to birth control, indeed every Israeli woman is, as a matter of state policy, actively encouraged to produce at least four children[91] .

Here, however, the recognition that women are best suited to theorize their issues, somehow leads to the recognition that women have a gendered consciousness, indeed no one can boost of a non-gendered consciousness or gender-free consciousness.

This affects not only the way women behave as objects of study but also the way in which they as the subjects of knowledge understand themselves and the world. All this seem to me, to be part of the more frank post-modernist discourse, it not only recognizes its limitations but also accepts them and works around them.

No one can accuse this type of science of lack of objectivity, because it does not make grand claims (which are impossible to achieve anyway). The influence of such trends on academic feminism has been pervasive and offer the entire Western scientific project a chance to assess it aims, purpose and direction which could perhaps lead to better science... only the future will tell, however considering that the main feature of Western culture is its insular and hermetic closure on itself, the future does not look promising[92] .

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90.   *Pearson, 1992: 269*

91   *Nira Yuval Davis, 1994: 287*

92   *Miller, 1976: 73-101*

Despite the tremendous changes it seems that most feminists continue to practice the old modes of studying of women and gender divisions, incapable to take on board these new and challenging methodologies (post-modern and standpoint theory).

However serious academics should not allow this sluggish majority to slow us down, we should remain steadfast and perhaps the fruits of our efforts will serve to convince the wider feminist audience in the future of the immense importance of the changes at epistemological levels.

I therefore intend this thesis to add a parallel and different perspective to this new trends within feminism of the 1990's. I shall consider the entire feminist project in a different non-Western context: the Muslim world. Retracing the development of the feminist project but mainly considering how these new trends affects the feminist project in a world with totally different history, politics, culture but also ideology (different mode of thinking, different paradigms and epistemologies).

THE DEVELOPMENT OF FEMINISM IN THE ARAB WORLD

Since the Muslim world covers a huge geographical area and many different cultures and traditions. I shall have to narrow it down to a significant part: the Arab world, and since talking about a dozen of countries simultaneously will prove complex, I shall restrict the discussion to an important part of the Arab world where Arab feminism is commonly acknowledged to have been born and flourish: Egypt.

I shall first retrace in the main how Arab feminism was born and developed in parallel to its Western counter-part, how the relationship between various feminists in the East and West was affected and even shaped by their colonial encounter. But also explore the more recent dramatic changes sweeping Egypt (as Well as the entire Muslim world. At least thought of as dramatic by Western writers who do not understand the Islamic mode of thinking and Islamic ideology. To Muslims, especially women, these are indeed

natural changes long over due and not at all dramatic. Here I shall be making a very important point i.e how these post-modernist and standpoint trends within Western feminism could benefit the articulation of an indigenous feminism, the formulation of a new feminist theory based on Islamic episteme and paradigms. But also how such theorization could benefit the Western feminist project, at least by throwing a line between the two, and starting a climate of constructive dialogue if not providing Western feminism itself with new and appropriate theorizing categories and episteme as well as a novel conciliatory method. Which sees men and women not as opposite, but as harmonious complementary (Qur'an IV: 4) necessary for peace, mercy and love [93] a methodology that accept difference without making a value judgement, seeing one as superior and consequently the other as inferior, different but equal in worth is the Islamic view.

Indeed in Islam an important paradigm is power and the abuse of it by those who hold it. And since all believer are equal regardless of their age, gender, race or any other inherent qualities, individual can only surpass one another by acts of charity and piety. Therefore all discrimination is perceived as an injustice. This type of theorizing will of course avoid the use of essentialist categories such as woman which have become a much contested category especially by post-modern theorists.

I would like now to look at how feminism was mirrored in Muslim lands, however since the Muslim nation spreads from Morocco to Indonesia and from the Northern Caucasus to Somalia, including many peoples, cultures languages and traditions, I shall have to restrict myself to a part of it that I know and that is representative: the Arab world.

Of course the Arab world is large and diverse, more importantly different parts of it have very different histories (for example Egyptian Pharaoh' past has differed from Iraq's Babylonian one since antiquity, even though the modern Western media and even Western academia seem to usually lump them together under loose categories the Arab

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93   Qur'an IV: 128

world or the middle East...) and different colonial encounters and therefore it cannot be talked about as a monolithic structure. I would therefore talk about one country important of the Arab world: Egypt.

Egypt was one of the very first Muslim countries (along with Turkey) to implement a programm of development and town planning following the new European model of technology. A transportation network was laid, telephones installed, cinemas opened, city tramway, paved roads and sewer piping introduced to major urban agglomerations, all contributing to a rise of city population. The Egyptian upper classes who served the colonial administrators benefited well from all these "modernization" programmes.

However very little wealth trickled down to the masses. And all the key administration posts were held exclusively by British officials who systematically discriminated against Egyptian intellectuals, effectively baring them from top ranks of the civil service. This cleavage between natives and colonizers grew steadily, paralleled by a growing resentment against colonials contempt for Egyptians, exacerbated by economical problems. By the early 1900s pressure grew for a greater share in government and political control for Egyptians, these demands were fed by a spread in education, political parties were formed to articulate just such demands. Lord Cromer, the British consul general dealt harshly with such political parties and all indigenous population for that matter.

The Egyptian scene became dominated by this two major themes, the British occupation and the Nationalist movement for independence. Amidst this turbulence the Muslim women's question was raised by different parties for different reasons. This was to be a complex and complicated issue for many decades.

Qassim Amin's book (tahrir al mara') or the women's liberation made very harsh claims about the Egyptian woman and Egyptian society which he openly vilified as backward and primitive, and under the guise of caring for indigenous women, Amin's suggested that all Egyptian but especially the Egyptian woman to shed off their culture, history and identity in favour of what he perceived to be the superior Western (British)

one. This, Amin, thought (in a peculiar kind of logic) would make the Egyptian happy and content with the British colonization.

Amin's proposition was met with uproar from nationalist and especially from women which decided to respond to such crass accusations... a women's movement had started. It goes without saying that Amin's mentors, the British administration ,was very pleased. Lord Cromer who was a staunch opponent of the Suffragettes movement back in England was keen to portray himself as the champion of the Muslim Egyptian woman. His compatriot Douglas Dunlop adviser to the Ministry of education at the time, made such claims while at the same time displaying his entrenched misogyny. He opposed Miss Nabawiyya Mussa's admittance to the exam room, to take her secondary school certificate on grounds of her being a woman.

These so called champions of the Muslim woman's cause (and not their own womenfolk) were shrewd politicians and where working on the old adage: "divide and rule". For them the more problems the Egyptian society had the more confusion there was within the family the more divided the indigenous population would be and the more manageable it become, they therefore set out to complicate it further. While intellectuals like Miss Mussa and Malak Nassef [the first woman mainstream journalist] were not fooled by Cromer's and other colonizer's pretence to be on their side. Others, less perceptive, fell for it head over heels, this was the case Qassim Amin, who is still held by the West as the father of Arab feminism.

Amin's internalization of his colonial subjugation, translated itself in the belief in the notion of the innate superiority of the European over the native, the colonization of his consciousness informed his feminism.

For Amin, the Egyptian woman could only be liberated if she discarded everything native, her culture, her language, her traditions, but especially her religion, which had the potential to call for jihad (literally "effort" i.e striving for social justice and peace) and therefore could cause the cessation of colonialism and the huge wealth that the British were pumping out of Egypt and many other Muslim colonies.

Jihad and thus Islam was a potentially dangerous ethos amongst the colonized nations and putting and end to it became paramount, hence the constant attacks on Islam by the colonizing administrators. While this was the obvious motive for Comer's so-called liberation of Egyptian women, as opposed to the liberation of European women, the benefit for Amin and his likes is less understandable, even his eagerness to serve his colonial master is somewhat difficult to comprehend[94].

The second figure, upheld by Westerners (even academics), to be the founder of feminism in the Arab world is Huda al-Sha'raoui. Sha'raoui's feminism was at least politically nationalistic, it opposed British domination. However unlike the popular classes she did not oppose everything Western, but opposed colonization in the sense that the liberal intellectuals of her class and the middle-upper classes opposed it. She confined her requirement to demanding more opportunities within the colonial administration, and ultimately gradual reform toward total political emancipation from British control while retaining Western type institutions and a secularist type of state.

Culturally in her feminism, Sha'raoui constructed the act of unveiling to be an important and significant act, she herself declare her unveiled in a very public manner to exemplify her rejection of everything native and declared her admiration of the West, reflecting her close connections with Western ideology and her Western affiliation and outlook. She too, openly valorized Western ways as more "civilized" than native ways. This inclination is confirmed by her autobiography in which she admits that her command of Arabic did not permit her to write her own memoirs in Arabic and had to dictate them. She was in a sense an exile an outsider within the universe of Arabic[95]. Moreover, Sha'raoui presents, her reading of French novels and friendship with French-educated young women as a source of intellectual nurturance, at a time where she extract herself from a forced marriage. In her organization of her past to show a turning

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94   *Ahmed, 1992: 172*

95   *Ahmed, 1992: 178*

towards things Western, Sha'raoui seems to indicate a psychological inclination to admire the European more than the native and points to an area of complexity and ambiguity explored by the Algerian author Bennabi's thesis of the: "colonization of the mind" [96].

MODERN POPULAR FEMINISM IN THE ARAB WORLD

If we tear ourselves away from the so called mainstream or dominant feminists, i.e Western accepted and consequently dominant narratives, we might give others such as Malak Hinfi Nassef and later Zainab al-Ghazzali some attention. These are women who have been systematically ignored by Western academics and Westernized authors for not promoting a Westward-looking articulations of women's rights (Marxist, liberalist, psychoanalytical... but all Western), indeed they did not conceive of everything native as inferior nor did they systematically admire everything Western, they even strived at formulating an alternative based on native ideology: Islam.

Nassef (born in 1886) was all for women's rights, however unlike Qassim Amin, Huda al-Sha'raoui or Doria Shafik and May Ziadah... she did valorize her native culture, language, history, traditions and religion. Nassef, opposed unveiling, not because of the usual traditional male conservative reasons but because she understood her society, indeed she did not believe that religion dictated anything specific on the matter for reason of modesty, for true modesty was not determined by the presence or absence of a veil.

Nassef based her views on observation and experience, unlike most male authors. She argues how can women unveil when men are shameless, for women to unveil and mix with them will herald great problems indeed, for which, women, not men, will be

96   *Bennabi, 1964: 65*

blamed. Advocating unveiling was therefore not in the interest of women, if anything, and considering Egyptian society, it would add to most women's burden and oppression.

Nassef's argument is indeed a novel one as she blamed men, not women as the consensus seemed to be even to this day. For the problem of women in society i.e their lack of freedom of movement and choice is always argued in terms of women's rights never in terms of men's abuse and misuse of power and aggressive and hostile attitude to women in general.

Nassef conceded that many upper class urban women do indeed go about in the streets dressed in European fashion, congratulating themselves for being modern. For the most part however, these rich women were motivated by a desire to follow fashion and not freedom or liberation. The fact remained that most Egyptian women were un-educated and most Egyptian men too corrupt that unveiling was not an option at this stage (Nassef, 1914: 26).

Nassef argued that it was not for intellectuals to argue for veiling or unveiling but what was essential in her view was to give women a true education and to raise them soundly so as to improve men morality, than the whole nation would become more educated and better mannered. Perhaps than, women will be enlightened enough to choose for themselves what is more advantageous to their society Nassef, 1914: 28).

Unusually, Nassef rejects Western dictates, from male and female colonizers, but more importantly for a Muslim woman she rejects Muslim men's dictates too, while holding unto her religion. She breaks away from the Muslim traditional view that perceives men as the custodians or Islam. For her, the male view is not necessary the Islamic viewpoint and quite rightly so.

Such standpoint may seem unusual because traditionally Muslim women have usually been totally lacking education and therefore no woman could rise enough to carve a place in male intelligentsia, so much so that education became almost exclusively the realm of men.

Some conservative, traditionalist Islamists men were quick to commend Nassef for her appraisal of the veil conveniently ignoring her motives in saying so and her call for education. To those men Nassef reply was "...these men are as despotic about

liberating us as they have been about enslaving us; we are weary of their despotism" (Nassef, 1914: 9). Nassef only concern was that of the native women and children, she opposed all those who try to use the woman issue as a bargaining chip for their political gains, whether Eastern or Western, male or female.

Her task was not easy, and not surprisingly, earned her opposition from all fronts, and unfortunately very little support from those who she tried to help i.e the poor and rural Muslim women. Because these women had no voice but also because most of them did not grasp the value of her work and mission.

This (Muslim male and Western people) fixation on the veil seems preoccupied with abstractions and essentially oblivious to the appalling cost to Muslim women and children, endured under a system of male dominance enshrined in the laws and institutions of most Arab societies. Especially those practising so-called Shari'a (Islamic law). Such unhealthy focus on a secondary issue of the veil is serving only to polarize attitudes and crystallize minds, thus delaying any beneficial change for women such as access to health and education.

The real issues for Muslim women are elsewhere, securing basic freedoms of speech, movement, access to education, training, health, full participation in socio-political and economic life etc... Unfortunately for the Muslim women, Nassef's tragic death at the early age of thirty two was a serious loss to the struggle for women's rights and indeed to Arab intellectual world in general but specifically a tragic loss to the Muslim woman who became the football in a match between Islamist versus modernists and their Western allies. The Muslim woman issue is still a contested terrain between two ideologies, two world-views East versus West. This thesis shall remove the debate from such precarious grounds. In order to initiate a constructive debate that is really about Muslim women and their wellbeing.

Some educated male activists joined their voices to those of women like Nassef, such as Muhammad Abduh and Jamaluddin al-Afghani who preached reform, moral purification in order to achieve justice. And education was at the top of their agenda. These men formed a political party named the Brethren (al ikhwa al muslimun) and for the first time they proclaimed that while Western women were not to be emulated but Western women's level of education was (which surpass that of Muslim women). Thus they encouraged and condoned female education, even so their party did not manage to attract many educated Muslim women.

Developments amongst political women, feminists and non-feminist, paralleled and intertwined with the broad sweep of national politics. Women participated formally and informally in a wide range of political activities. During these middle decades of 1930's to 1940's radical conservatives espoused Islam as both a national and a feminist cause, along side the left-wing intellectuals and communists. Two women who focused their energies on women's issues emerged in this period in quite different ways: Zainab al-Ghazzali campaigning for women and the nation in Islamic terms, and Doria Shafik campaigning for women and human rights in terms of secularism and democratic ideals (i.e Western ideological terms).

- TWO VARIETIES OF ARAB FEMINISM.

The divergences in these perspectives reiterates the divergences incipient in feminism at the turn of the century and articulates a persistent and ever-widening split within Egyptian and Arab feminist discourse (I use the word feminism in a broad sense here, meaning women's rights and not as within a certain specific notion of feminism. Indeed it must be pointed out that campaigner like al-Ghazzali, would not like to be labelled feminist nor would many Muslim women who agree with Nassef's project of women's emancipation on indigenous grounds. Perhaps a native word ought to be found to replace the term feminism which has become so closely associated with the West and Western

Suffragettes movement and the Western colonial-imperial project). My Nigerian friend of Lagos university, Dr. Modupe Kolawole suggested wbmanism[97]

Al-Ghazzali (born in 1918) started her political life working for Huda Sha'raoui but quickly found herself in disagreement with Huda's aims and resigned to found her own organization: the Muslim Women's Association. Within six months Al-Ghazzali had huge success in attracting thousands of women, and The Brethren soon sought to incorporate this eighteen years old woman's organization as subordinate to theirs. But the young Zainab was an assertive and strong woman, she vehemently resisted this project, despite these pressures al-Ghazzali found it into her heart to offer the Brethren full support and cooperation. She latter spoke of the leader, Hassan Al-Banna's anger at her refusal and how the men did not portray such an altruistic image of Islam[98]

In 1940 al-Ghazzali, by now a prominent figure to be reckoned with, was ordered to dissolve her organization which she refused to do, she contested the decision in court and won. But by 1965 Al-Ghazzali had been imprisoned and tortured for six years, along with a score of other Muslims men and women by the "champion of modernism and democracy" Gamal Abdul-Nasser and her women's organization disbanded.

Al-Ghazzali was an astute politician who knew not to confront male ego while still making very progressive demands for women's rights which she is careful to shroud in acceptable phrasing. This, however, has earned her some criticisms of being contradictory. But I believe, it was and still is the only feasible way Muslim women can articulate their demands for justice and humane treatment without hurting their male compatriots' fragile ego and insecurities... and thus prejudicing their cause.

Muslim men on the whole are not ready to hear women talking to them on an equal footing. Women have to learn to talk to them on their own terms, i.e using a language of

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97   Kolawole, 1985 in Kandiych, 1991.

98   Al-Ghazzali, 1994:

servitude. For example Al-Ghazzali declared that Huda Sha'raoui made a grave error in talking about women's liberation, in a Muslim society, because this would only alienate her and prejudice men against her. Al-Ghazzali was to prove herself far more adept at handling her male counterparts, for example she used shari'a law to her advantage by specifying and protecting her basic human rights by enouncing clear conditions in her own marriage contract, saying[99]:

"my dear husband while I owe you total obedience I have been called to serve ALLAH and I would expect you to support me in my mission, facilitate my work and should any disagreement occur between us, my mission to Islam will take precedent".

Al-Ghazzali dedicated her whole life to her work, her women's organization and politics. When the representatives of the Brethren came to visit her secretly, she asked her husband not attend their meetings so as not to put him at risk (the meeting being banned by the state of the time). Such marriage can only be labelled progressive and very "modern".

However this use of Shari'a portrayed by al-Ghazzali implies and necessitates the knowledge of such rights and possibilities which unlike Ghazzali very few Muslim women have, as they are systematically distanced from any forms of education especially religious education and Islamic legislature which is exclusively in men's hands.

Al-Ghazzali, never challenged the male defined Islam while she made sure to free herself from its effects, she thus commended great respect with many patriarchal leaders and achieved a degree of success. For it is thanks to her efforts, while meeting prince Abdullah Faisal of Saudi Arabia, that female education was introduced to the Saudi Kingdom.

Al-Ghazzali however is disappointing in the sense that she did preach what she did not practice and never addressed the contradiction between her own freedom and the

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99   *Al-Ghazzali, 1994:47*

male defined Islam. Nor does al-Ghazzali seem to want to share her knowledge of Islamic legale technicalities with other women. For example she declares in her lectures that a women's first duty is the family. Work, politics and social life were only permitted if they did not interfere with this holy and most important mission. Perhaps one should add, unless a woman makes it her holy mission to be in the public life and is smart enough to think about enclosing it in her marriage contract which is valid under the law in a Muslim country.

Indeed many Muslim women, aware of their Islamic rights (which the great majority are unaware of unfortunately) make sure to protect themselves from abuse and misuse of Islamic laws by decreeing in their marriage contract that they do not accept polygamy, retain full rights to education, work, freedom of movement and sometimes even custody of their children. It can also be argued that if more and more women did make use of this strategy to preserve their rights after marriage.

This thesis proposes to explore the neglected alternative of an Arab or Islamic "feminism" based on indigenous ideology and therefore within the terms of the indigenous culture as our project. Unlike Western feminism, it will aim at achieving some material result for the Muslim women, and not universalize and widen Western ideology and markets.

We will, first, establish how specific the Western theoretical frameworks used by feminists are; in order to demonstrate why Western feminism cannot be exported the Muslim context unaltered. Second we will show how a type of feminism i.e campaigning for women's rights can be theorized in different, more appropriate and relevant to the Muslim context can be developed, if women in general and feminists in particular, learn to be more tolerant of each other and open minded by keeping in mind the aims of the entire project and avoid getting trapped by secondary matter i.e whose language or terminology the theorizing and arguing in done in. As campaigners for women's rights we should explore each and every route available (methods) to help all the women without a voice, the poor, the black, the handicapped, the illiterate... the

disadvantaged and their children. Workers and academics campaigning for women's rights should work towards securing degree of freedom and equality for all the disadvantaged women.

The best strategy would be from grass route up and not as most academics seem to think from top to bottom type of campaigning. It is the concerned women themselves who are the real experts, and academics can best theorize and analyze the problems helping thus to formulate comprehensive solutions.

Western feminists will never be able to formulate a solution to the problem of Muslim women. Muslim women themselves are the experts and know their problems best, it belongs to Muslim social scientists and women's rights campaigners to theorize and analyze these problems as well as endeavour to formulating possible solutions.

Chapter 8: WESTERN FEMINISM AND RELATIONS OF PRODUCTION:

THE ROLE OF CAPITALISM IN SHAPING WOMEN' S LIVES.

The feminist movement started as a political movement which perceived patriarchal ideology as the cause of male domination and female exclusion from political participation, hence its prime demand was women's rights to vote. Yet one cannot escape the fact that, the entire debate about women's position in society had emerged at a very particular time in Occidental history: the industrial revolution and the emergence of Capitalism.

Industrialization affects every aspect of society and led to major and significant transformations of society. In early capitalism, the development of technology gave women the opportunity to participate in economic activities. Besides the need of industry for a larger labour force which the female workers represented, technology relieved the physical burden in productive work, with the result that female physical weakness could no longer be used as the reason to prevent women from participating in economic activity and from becoming economically independent.

Historically, the exclusion of women from economic activities resulted in their dependence on men, and gave social weakness to women along with biological handicaps ! 100 □ . Thus until then, women in the West also suffered from oppression in the patriarchal family, wherein a male kept the dominant authority by forming a hierarchy.

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100 *Sullerot & Thibault, 1966.*

However, concerning the male behavioural pattern of nurturing females and their young, which is closely related to the source of authority in patriarchy, Mead shows that human fatherhood is a ' social invention', while motherhood is deeply rooted in actual biological conditions[101] .

The tendency for the main role of women to be confined to giving birth and child rearing became more explicit under patriarchy. Moreover, the social change brought about by the emergence of ' consumerism' after the industrial revolution and confining economic activities to the work place (public sphere), isolating it from what became known as the private sphere, accentuated this tendency (or sexual divisions of labour)[102] . In other words, paid economic (wage labour) activities became separated from the domestic work to which women found themselves relegated often because of their reproductive, biological functions.

However it should be added, at this point that, while automated technology and industrial labour both promised the pre-conditions for women's liberation alongside man's[103] they where no more than pre-conditions and gave no guaranties of achieving that aim.

Furthermore, contraception, which prevailed and was justified among people in the nineteenth century, greatly influenced women's lives[104] as it meant that the mode of procreation could be controlled by women. And that women were no longer subject to their biology. This increased women's opportunities and demands for their participation in economic activities under the development of capitalism. Male superiority in economic power (financial independence) could no longer form the basis in justifying male-dominance which resulted in a major transformation of familial relations. Mead,

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101   Mead, 1977: 189

102   Ivan I llich, 1980: 206

103   Juliet Mitchell, 1984: 105

104   Mitchell, 1984: 108

points out that within the family, each new generation of young males learnt the appropriate nurturing behaviour and superimposed upon their biologically learned parental role. When the family breaks down in period of abrupt transition form one type of economy to another this delicate line of transmission is broken[105]. Thus it can be said that the new economic mode of capitalism brought contradiction into the patriarchal family and changed the relationship between male and female.

Apart from changes within the family, capitalism also brought changes to bear on the individual and his/her relation to their community, by isolating him/her (alienation).

Joyce Appleby, remarks that in the eighteenth century two features of the market economy fascinated contemporaries: the reliance upon individual initiative and the absence of authoritarian direction. Increasingly private arrangements were counted upon to supply the public's material needs. At the time the productive goal of making wealth to produce wealth supplanted the older notion of wealth as the maintainer of status. In these transformations we come close to the conceptual heart of capitalism...[106]. She further explains the emergence of ' liberal individualism' in the eighteenth century, when men appeared more and more as separate, autonomous entities than as members of some collectivity[107] .

Therefore, with a growing number of females participating in economic life under liberal individualism, the authoritative nature of the male position within the family as well as the group, became no longer compatible with the social trend. This contradiction was, however, held in check by the nuclear family. What is more important to note here is that the substance and meaning of the family were being changed. There was a change in the family brought by capitalism (not only as an economical system but as an

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105   *Mead, 1977: 192*

106   *Appleby, 1984: 22-24*

107   *Appleby, 1984: 15*

ideology: normative social implications of ' individualism') and a change in the position of women in society.

Mitchell illustrates such family change in the economic sense during the early period of capitalism as follows: the family changed from being the economic basis of individual private property under feudalism to being the focal point of the idea of individual private property under a system the banish such an economic form from its central mode of produduction Capitalism .

During the early period of capitalism the individual was more visible in society than before and began to be separated from the tie of the collectivity, in which he/she was embedded. However, at that time, individuals were still united with their family, and the family kept some functions which were beyond the control of the economic system.

In other words the capitalist system did not immediately destroy the family and the domestic economy. As a matter of fact family economy supplemented the industrial wage!109☐ , i.e capitalism selected the functions of the family that best served its purpose and destroyed those which did not.

At this point, it is appropriate to examine the nature of the market economy in order to have a clearer idea of the situation of women in modern Western society. One of the prominent features of the modern era, is considered to be the market economy and its ubiquitous pervasion, into the association of people as the identification of economy and market.

Karl Polanyi explains this further; men's ultimate dependence on nature and his fellows for the means of his survival was put under the control of that new flanged institutional creation of superlative power, the market, which developed over-night from lowly beginnings.

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108   Juliet Mitchell, 1984: 154

109   O'Neale, 1985: 264 in Evans (ed).1985.

This institutional gadget, which became the dominant force in the economy... now justly described as market economy... gave rise to yet another, even more extreme development, namely a whole society embedded in the mechanism of its own economy... a market society![110] . This major social transformation suggests that with the development of capitalism, the tendency towards individualism was on the increase.

During the later period of capitalism, the market economy has been enlarged to ensure the survival of capitalism. In other words the exchangeable value system was gradually being applied to human relationships (political decisions are today heavily shaped by economical considerations: the Gulf war being, an excellent example).

Under individualism defamilisation is accentuated and attempts are made to strengthen the market as the ultimate matrix of human life. The deepest tendency of capitalism begins to reveal itself...because capitalism seeks and never completely manages to replace beings with machines, it is driven to replace family society with a consumer and service society underwritten by its industrial, legal, medical technology and feminizing ideologies[111] . Thus, even the family has been reduced to mere assembly of atomistic individuals, and no longer forms an organic entity.

Industrialisation replaced domestic work with the machine and made it a target of the service industry. Food, clothing and entertainment were gradually drawn into the market economy. ' The commodity fiction' has been created, and it runs as an automaton which is governed by its own laws[112] .

It is this commodity fiction that has changed the nature of domestic work into a calculated utility by means of the market economy. At the same time, by providing women extra time, capitalism has succeeded in withdrawing them from the family and

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110 Polanyi, 1977: 9

111 O'Neale 1985: 264 in Evans (ed) 1985 .

112 Polanyi, 1977: 11

gradually pushing them into the labour force (sadly they often end in the reserve army for the market to use at pick times only to be shed later..).

However, a more important change which became visible through time, is that capitalism created the sphere of non-wage economic activities, or private sphere, what Ivan Illich calls the ' shadow work'[113]. Because of this change domestic labour is sometimes referred to as slave labour. At this point, the concept of ' sexism' emerged.

Juliet Mitchell explains the concept of economic exploitation of women as follows, this general denigration of women is an inevitable consequence of the socio-economic system of capitalism in which it operates. The inferiorization of women is essential to its functioning[114].

Emmanuel Wallerstein, further illustrates the process by which sexism has been institutionalized with the development of capitalism... Under capitalism, there has been a steady devaluation of the work of women (and that of children and the elderly) and a corresponding emphasis on the value of the adult male's work. Whereas in other systems men and women did specified but normally equal tasks, under historical capitalism the adult male wage-earner was classified as the breadwinner, and the adult female home-worker as housewife.

Thus when national statistics began to be compiled, itself a product of a capitalist system, all breadwinners were considered members of the economically active labour-force, but not the housewives. The legal and paralegal apparatus of gender distinction and discrimination followed quite logically in the wake of this basic differential valuation of labour[115].

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113 Illich, 1980.

114 Mitchell, 1971

115 Wallerstein, 1983: 25

In a society based on ' utilitarianism', which reduces everything to a use value, only actions in pursuit of profit under capitalism can be regarded as useful. Domestic labour is not considered as socially productive and, as a result, neither women nor men place importance on it. Women are relegated to the realm of non-productive labour.

Therefore, as the family has become gradually eroded by the market economy, the relationship between man and woman has been seen only in terms of economic value. The radical feminism of the 1960's was a struggle against economic sexism which constituted the male dominance of females within socio-economic relations.

Radical feminism insisted on according women the same status as men, abolishing sexual divisions at work. However, due to the lack of proper historical analysis, evaluation and inclusive perspectives, this movement has gone towards ' uni-sexism' in its effort to become sex-blind. It attempted to erode the differences between men and women by making the qualitative differences quantitative. Such equalization of differences cannot be the key to the emancipation of women, on the contrary, it is a very favourable tendency for the demands of the market economy; which attempt to change all qualitative values into utilities. Mead implies such a point in the following extract; we can recognize how our experience limits our questions by exploring the possible results of asking different questions. Suppose we ask: "Are not women just as capable of performing activity X as men are?" Or the reverse...

Investigation of this sort usually leads to quantitative comparisons, which it may be found that men are a little faster than women, or that women are a little faster than men, or that there is no difference ...Once we have given such an answer, then, in terms of our present culture, employers, or benevolent government agencies, or sex pressure groups will set to work to exploit these differences or to minimize them, in order to get better work for the pay, or to invent a machine that will equalize the difference. But in either case the discovered differences suggest no new uses of human resources...They will primarily be the backgrounds not for using differences constructively, but for inventing

some methods for equalizing the differences so that they do not matter, or for pigeon-holing individuals in one job rather than another[116].

At this point, the other aspect of discrimination against women should be noted, that is sex-dualism in establishing economic sexism in Western industrial society. Within the concept of sex dualism, women are permanently given the inferior position. Thus when the economy was sustained by a dual system, that is the market place and the shadow work (domestic labour) under these circumstances, radical feminism advocated the emancipation of women away from the shadow sphere, not realizing that this would not be the solution. Such a manoeuvre only results in an acceleration of the growth of the market economy.

John O'Neill castigated the radical feminist position in the following terms: Feminists believe that the family economy is slave economy and should be replaced by a free economy of working and consuming individuals whose only ties are legal, contractual relations. they consider that the logic of contract is sufficient...in each of the domains of special reproduction outlined above to achieve this shift. In this, they display a more coherent vision of capitalist society than it has so far practised[117].

It is usually assumed that women would be emancipated from subordination if they could gain equality in economic conditions such as wages, employment opportunities and promotion. Saddeka Arebi expresses her criticism of this formula for emancipation by pointing out that this merely leads to the substitution of patriarchal domination by state hegemony[118]. Leading sometimes to disastrous consequences for women.

Nawal Sa'daoui joined her voice to the chorus of criticisms of these shortsighted formulae for emancipation, when considering sexual freedom she remarks: that

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116. *Mead, 1977: 14.*

117 *O'Neale, 1985:257.*

118 *Arebi, 1991: 105 .*

superficial processes of modernization... will never lead to true equality between women and men in the economic, political, social and sexual aspects of life. Sexual rights as exercised in the West do not lead to women's emancipation, but accentuated her oppression, as women are transformed into commercial bodies and a source of increasing capitalist profits.

An equalisation of men and women only in one aspect would not be a real solution to the problem of women subordination, which in the modern family has been largely caused by the infiltration of the market economy into human relations, especially the relationship between man and woman within the family.

The problem will not be solved as long as its solution is sought within the context of market society. The problem is that the family no longer possesses organic functions and meanings in society, it has become a mere contact point of individuals and human relations are disintegrating.

Therefore, in Western industrial society under the market economy, an individual becomes a single person, as opposed to a family-being'. "Men and women are ' familied' beings who divide between them the tasks of reproducing themselves as average members of the society in which they live, subject to its legal and political economy...we are family beings before we are economic beings.

Hence the family wage is the basic economic unit of income...the family wage is paid in exchange for the work of being a familied/familiazing employee" says O'Neill, coming very close to an Islamic conception of family income, whereby the earner has legal responsibility to spend on the family. Furthermore, in late capitalism, the market economy has come to regulate the economy (and even the politics), and human relationships in the family. Late capitalism has rapidly grown by means of the expansion of the market mechanism.

In the meantime, the market economy has eroded the early folklore of individual family and society, and changed all those interlocking relationships into calculated goods

and utilities. Thus, the market economy has intensified the tendency that individuals are related to each other in terms of contracts and services. This is the problem of both men and women in modern Western society.

Here we may remark that the framework of discrimination against women and its solution, which emerged particularly in the development of capitalism in the West, is not applicable to women in other regions in the same way, because ' universalism' itself is the product of Western capitalism.

The idea of women's liberation within the Western context would not solve the problems which women are facing in the Muslim world. In other words, the Westernization of women based on superficial modernization would not bring about emancipation from the suffering and injustice imposed on women in the Muslim world. It would rather result in the deterioration of the unique values of the region.

Chapter 9: DEFINING THE ISLAMIC MODEL

OUTLINING A PARADIGM

Islam is commonly described as a religion as opposed to an ideology (such as capitalism and marxism). This distinction is superficial[119] as we shall make clear throughout this work. This is important because Islam does not see itself as a religion in the limited Western sense of the word, it sees itself more as a movement, a philosophy, an ideology, a complete way of life.

Islam is a movement which defines human existence in relation to an existential reality called Allah (the term is broadly similar to the term God, however there are significant differences from the common Christian concept of God. The difference is important to bear in mind when the term God is used in the Islamic context). This existential reality has attributes essential to it which are reflected in the human. This common ground constitutes the ontological basis of a meaningful relation between what would otherwise be two mutually incomprehensible states[120].

All human life is defined and orientated knowingly or unknowingly to this reality. Islam is the state of being which describes the correct relation to reality, and this state of being, already possessed by all animate and inanimate objects other than humans and Jinns*, is the ultimate aim of endeavour.

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119 Bocock, 1991

120 Nasr, S.H 1972.

The word Islam (literally meaning ' peace' or submission' in the sense of making peace as in peace of the mind etc...) is not a name referring to sectarian grouping but rather to a state of mind, thus all prophets (eg Abraham, Moses, Jesus, Muhammed etc...) are seen as messengers of Islam. And similarly the word Muslim (literally the one that has attained that state of mind) does not refer to an individual belonging to a sectarian grouping, but to anything that is in possession of the state of Islam. It is only in this sense that one can understand the teaching that animals and plants, because they are in a natural state of Islam are considered Muslim.

In fact all existential reality, because of Islamic metaphysics, is considered as Muslims, including mountains, rivers etc... The only exceptions to this ' natural' state of Islam are humanity and Jinn* (unseen beings referred to in the Qur'an), which have to strive to achieve this state.

Because Islam accepts the notion that the human condition is affected profoundly by its social environment, Islam seeks social changes that facilitate the attaining of the state of mind that is Islam. The psychological qualities that reflect a state of Islam include: humility, thankfulness, selflessness, sacrifice (achieved through justice), honesty, simplicity etc...

The state of mind that stands in opposition being ' kufr'. Kufr literally mean ' to be ungrateful' or ' to cover up'. Qualities that reflect the kufr state of mind include, greed, self interest, belief in arrogant self-sustenance, aggression, exploitation, injustice etc...

From this follows the term ' jahilliyah' literally ' ignorance', refers to the state where the knowledge or understanding of Islam had not yet been established (sometimes used to describe states that model the pre-Islamic ' ignorance).

THE CONCEPT OF EQUALITY IN THE ISLAMIC WORLDVIEW: TAWHID IDEOLOGY.

We have already pointed out to the fact that women in the Muslim world are generally considered to be discriminated against or even oppressed, and many of the existing Western studies exhibit a tendency to exaggerate such generalizations. On the whole, these studies base their assentations regarding discrimination on the practices of women's veiling or the separation of the sexes in the public sphere.

Then, they give the image of a woman who is treated like a servant or a slave, deprived of all her human rights and forced to obey the master of the family. This kind of observation seems to be deeply rooted in a preconceived prejudice against the Islamic culture and the Muslim world, based on ethnocentrism in the Western culture[121].

One century after the advent of Islam, Islam attained a high civilization in the Middle East which surpassed all others. However, later, through the Renaissance and the Industrial Revolution, the West carried out a complete modernization while the Muslim world stagnated. After the attainment of modernization, the West became dominant, economically as well as militarily and consequently it became politically and even culturally dominant everywhere.

Behind this dominance is ' the ideology of progress' developed under capitalism in the modern era. In the theory of evolutionary progress, systems and ideas in later history are considered better and more developed than the ones from earlier periods[122].

Moreover, "universalism", which became an epistemology in the course of Western modernization, has searched for general statements about the world. Thus, in the Western

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121   IWAI, S.S 1985.

122   Wallerstein, 1983:105.

theory of modernity sustained by "universalism" and the ideology of progress, Muslim culture is considered as being far behind.

The same is true of Western perspectives on Muslim women. Since all situations of women in the world are universalized, even the social position of Muslim women is viewed by analogy of the situation of women in their own culture. Such an analysis, then, often reaches the conclusion that women in the Muslim world have not yet been enlightened and vanquished their oppressed situation.

Under the epistemology of universalism, the concept of equality has an absolute meaning. Thus, an attempt is rarely made to examine and understand the concept of "equality" for Muslim women within the context of Islam i.e from the Islamic world view (i.e tawhid or unity).

Therefore, at this point, it is important to reconsider the meaning of "equality" between man and woman in Islam. In this section, we shall seek to comprehend the meaning of equality of the sexes from two standpoints: Whether men and women are endowed with the same values and whether they have the same rights.

Regarding the given values and abilities, it should be reiterated here that Islam has assigned in its principles, the same duties to both men and women, there is no differences between them in accomplishing those duties. As discussed earlier, in Islam both men and women have the same value as human beings. Although they possess different attributes as male and female, these attributes stand on the level next to that of human attributes.

This becomes clearer when compared with Christianity which is based on dualism (body versus soul, material versus spiritual). In the Christian world view, every existence is perceived in the context of dualism. Thus, the existence value of human beings is also based on dualism. In Christianity, human beings are divided in two kinds: superior and inferior. In categorizing human beings, the attributes of sexes become a determinant of this dualistic perception. Contrary to the concept of Islam on human beings, in Christianity, human nature is replaced by the attributes of the sexes. Thus, in Christianity,

one kind of human being, the male, is perpetually superior with higher value than the other, the female. Women cannot attain the level of human beings to which men belong, due to such sexual dualism (see teachings of St Paul & St Augustine). In the sense that woman is bestowed with lower value than man and is considered as being inferior in abilities, woman in Christianity is given an equal position in existence.

In Islam, human dignity is equally given to both men and women are equal before God, this is clearly stated in the Qur'an (Qur'an, 4: 1) and at the same time, they are endowed with different attributes. The difference between the sexes cannot be discussed from the viewpoint of the relative merits of male and female, because there is no point of comparison. They are granted different attributes in order that they can fully develop as human beings.

Concerning the rights given to women, it is often stated that most women in the Muslim world are deprived of their rights, especially political rights, and because of this, they cannot succeed in preventing male dominance.

However we must point out here that most, if not all Muslim countries, are ruled by authoritarian, undemocratic, and illegitimate elitist governments, which are maintained in power by massive Western aid and political support and at times open armed support (for example the illegitimate and undemocratic ruling families of the Gulf countries, openly supported by the USA). In such a context of lack of freedom of speech, lack of social justice and where corruption at all levels is rife, the likelihood of women achieving any political rights is very slim. As a matter of fact we must recognize that power in these countries lies in the hands of an elite of men and sometimes their womenfolk, whereas, the majority of people whether men or women are oppressed. It is therefore no at all surprising to learn of women's oppression in countries where no one male or female from the masses enjoys any freedom or rights. We can but wonder at some of these critics, how and why can they not recognize that women's lack of rights is part of the whole lack of social justice, one aspect of one party rule, monarchies...

Therefore women's task seems to be in joining forces with the oppressed men, and working towards a just and representative system of government, and not to be isolated and restrict themselves to women's issues and be swayed by one party or another, not allowing themselves to become a bargaining chip to be used by politicians to gain some legitimacy.

As, explained earlier, Western feminism started from acquiring political rights in order for women to have a voice in social matters. Since the franchise generally came by stages, starting from a restrictive property qualification, moving to manhood suffrage, and finally reaching women suffrage[123], the attainment of political rights is considered one of the most important steps in women's liberation.

Like the women in the West, women in the Muslim world were behind men in gaining the franchise. Because of this kind of structural similarity between the situation of women in the West and the Muslim world, it is generally concluded that the enfranchisement of women is one of the most important solutions to the problem of women's silence in the Muslim world.

Furthermore, the principles of Islam are usually counted as the main cause of the restriction of women's rights. However, an examination of the Qur'an, which is the primary source of the principles of Islam, proves the contrary.

In the Qur'an it is written that both men and women should participate in social activities and pursue wisdom. These are divinely commanded as their duties. In this sense, no Muslim must be indifferent to social affairs including politics.

What needs more emphasis in this regards is the fact that it is still controversial whether Western political institutions, like the parliamentary system, are suitable or compatible with Islam. Thus, the structural similarity does not prove that the nature of the

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123 Macpherson, 1973.

problems of Western feminism and those of women in the Muslim world are identical. Therefore it is necessary to continue to inquire into the concept of rights in Islam.

In Islam, one's rights must be exercised only for the end as provided by Shari'ah (Islamic law). This implies that one's deeds are controlled by Shari'ah, and that one should refrain from all its prohibitions. A Muslim, who absolutely submits him/her self to God, is under an obligation to realize God's will on earth. God's will is expressed in other words by Divine Justice.

Thus Justice in the context of Islam derives from ALLAH. God disclosed himself through revelations, communicated to mankind through prophets and messengers in which His justice is embodied. The justice which flows from such a high divine source is considered applicable to all mankind and forms another category of justice, it may be called Divine or Revelational justice[124] .

Therefore, Muslims must primarily fulfil their obligations and remember that they have been commanded by ALLAH to establish the righteous ' Ummah (international or worldwide community), based on Divine justice. Then, in the context of the justice of the ' Ummah, the individual rights of Muslims can be insisted upon and exercised. At this point, it can be acknowledged that Islamic law gives to rights the nature of ' sociability' based on the idea of the ' Ummah[125] .

Islam guarantees individual rights, but prohibits the exercise of one's right in a case where it would reduce the welfare of the ' Ummah or break the equilibrium of the ' Ummah. The concept of right in Islam is thus specific, and identical to neither socialism nor liberalism.

If we take into account this concept of right in Islam, it becomes apparent that women as well as men are fully endowed with the rights to fulfil their duties. However, in the

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124   *Majid Khaddiuri, 1987: 2*

125   *Nasr, S.H 1972.*

context of Islam the equality of right between the sexes does not necessarily mean that men's rights are identical to women's, and vis versa. Since, as previously seen, the relationships between men and women are complementary and it is primarily important for both to establish the ' Ummah harmoniously, it can be a rationale that men's rights are different from women's rights but both are complementary in order to fulfil their duties as a whole.

However, it should not be forgotten that, as explained earlier, men and women have the same human rights. Therefore, if there is a situation in which women cannot exercise their right to perform their duties as Muslims, it is not considered to be a discrimination but an "injustice" within the context of Islam.

Furthermore, if there is in Islamic society the same type of sexism based on discrimination as in Western society, such a situation cannot be solved only by changing the women's situation, because it means that the social value system, including the social structure and people's minds, have as a whole deviated from the norm of Islam. It is appropriate here to reiterate the differrences between the Western concept of equality of the sexes behind Western feminism and the Islamic concept.

The idea of sexual dualism had fundamentally existed in the Christian world; however, it was the social change in the modern era that determined and institutionalized the inferiority of women. The great social change which people in the West experienced in the modern era seems to have been partly caused by the epistemological level [126]. The difference between two objects came to be discerned or recognized by changing the attributes of the objects into quantitative and exchangeable values. Thus, since even the differences between the sexes had been quantitatively recognized, Western feminism, especially in the 1960's, aimed solely at making up those quantitative differences in order to liberate women from the inferior status.

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126 H Nasr, 1981: 211

Sexual dualism was turned into economic sexism in the market society of the modern era. Contrary to the expectations of Western feminists, the policies of this movement seemed to produce nothing but encouragement for economic sexism. The idea behind Western feminism faithfully reflects the sexual dualism of Christianity, and is the result of the institutionalization of women's inferiority, that is economic sexism based on male dominance.

In order to overcome institutionalized sexism, the only way for women to be equal to men is to gain the same rights as those which guarantee men's privilege in society. Needless to say, in the context of the market society, it is considered that the liberation of women can be endeavouring to make up the quantitative differences between the sexes. Feminism under the market economy made its way towards changing human relationships into commercial goods and utilities to solve the problem of women's inferior situation. Hossein Nasr suggests this point as follows[127]:

"One of the great errors of the modern world is the attempt made everywhere to destroy all qualitative differences and to reduce all things to a least common denominator in the name of equality and democracy. It is one of the most conspicuous features of the tendency towards the total reign of quantity from which the modern world suffers. This error is to be seen especially in the question of the relation between the two sexes and the role of women in society".

A woman who is relegated to an inferior position in the realm of non-productive labour strives to be another man, since for her this seems the only way to obtain equal status. Women found a clue to solving this problem by participating in economic activities; that is, they tried to show their abilities and to be equal to men by joining in the labour force. However, as long as the market mechanism, whose major principle is based on differentiation for gaining profits, is applied to human relationships, women can never escape from their situation of discrimination. Since the market mechanism continually

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127   Hossein Nasr, 1981: 212

exercises its differentiation cycle, the efforts to even the differences would result in the creation of a new difference.

Thus, the economic-oriented liberation of women does not solve the problem of the relegation of women, but rather helps the market economy to change human values, rendering human relationships meaningless as well as increasing profits.

This is a sort of double binding situation that is intractable within the system. This value concept which changes all values into exchangeable ones is completely opposed to the value concept of Islam. Thus, this type of women's liberation has no sense or significance for Muslims.

In Islam, the attributes of the sexes are subsidiary qualities attached to human values. The differences between male and female attributes are qualitative, not quantitative. Thus, one cannot put those attributes into order by means of quantitative comparison. In Islam, men and women are endowed with different qualities and abilities psychologically, biologically and socially. However, those differences are not conditions for the evaluation of human beings and, as repeatedly explained, men and women maintain complementary and harmonious relationships.

Therefore, what is necessary for Muslim women as well as Muslim men is to fight against injustice in society in the context of Islam, but not to compete with one another nor to pretend to be superior to the other, nor resigned to be inferior.

The direction towards the liberation of Muslim women is not to try to become something which they cannot identify with, or to become at best a second-rate male. Such a way for liberation is considered in the Islamic value system as[128]:

"nothing but poison which kills the spirit of both men and women, and drags them into the infra human level".

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128   Nasr, 1981: 213

Since women in Islam are endowed with the same human value as men, there is no need for them to seek to emulate the male condition. Furthermore, both men and women are provided with respective rights in order to fulfil their duties and obligations, thus, achieving social justice in the ' Ummah.

Therefore, for Muslim women the idea behind Western feminism, which is the product of the market society, would only bring inequality of the sexes into their society and break the harmonious relationships. In this sense, I believe, the ideal woman in Islam stands at the very antipodes of the model of Western woman, who seeks to be liberated only within the economic context.

Chapter 10: TRADITIONAL PRACTICE & HISTORICAL PERSPECTIVE:

- INTRODUCTION:

In this section we draw a clear and hopefully concise picture of Islam and the first community of Muslims. We will also consider the context in which this religion (ideology) was revealed this will include the period immediately pre-Islam often referred to as the jahiliyah period or the age of ignorance.

Finally we shall speak of the person: the messenger of Islam and his life in the midst of that community and His attitude to women.

- THE PRE-ISLAMIC PERIOD:

We shall refrain from referring to this era as the (age of ignorance or dark ages) or jahiliyah which because in accepting such an appellation we will, indirectly, have accepted that all women of pre-Islamic Arabia were maltreated. Thus drawing generalizations and reducing the historical realities of many women. We know that social events are rarely all bad or all good, which such sweeping statements tend to imply, often to serve specific interests.

The question we will ask ourselves and will try to answer all along this section is: what was women's social status and eventual contribution to society in that time?

Historical data from this period seems to be mixed according to what the writers are looking for and what their perspectives are. For example, most Muslim writers would constantly and persistently put down the pre-Islamic societies in the Arabian peninsula, so as to accentuate the benefits Islam has brought to Arabian society and later to the Muslims as an Ummah (world wide community of believers). The divide seems to acquire more ardour when the subject of women is in question, and perhaps because of the relentless attacks on Muslims women's status, most Muslim writers seem to have become very defensive.

While others, like Nawal Sa'daoui are, perhaps in an attempt to throw doubt into the statement of the Islamic liberation argument, claim that women enjoyed great deal of freedom and high status in pre-Islamic Arabian peninsula (today the country of Saudi Arabia occupies the major party of the peninsula).

Nawal Sa'daoui claims that during the pre-Islamic era[129]:

"the important position occupied by some goddesses was symbolic of the relatively higher prestige enjoyed by women in Arab tribal society, and a reflection of the vestiges of matriarchal society that still lived on in some of the tribes"

she also sees in polyandric practices of that era an expression of women's liberty and independence. She writes, quoting al-Afghani[130]:

"Before Islam it happened that a woman could practice polyandry and marry more than one man. When she became pregnant she should send for her husbands, and no one could refuse to come. Gathering them around her she would name the man she wishes to be the father to her child. And the man could not refuse" .

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129   Sa'daoui 1982: 194

130   Ibid, 1982: 194

Such events taking place seems to defy our current recent knowledge of family social behaviour. As today, in Britain, genuine father (not arbitrary chosen) once separated from their wives often refuse to pay legal maintenance (in defiance of court orders and possible legal proceedings) for their legitimate and blood related children let alone be summoned by a "shared wife" to father children that may not be theirs. It seems rather inexplicable that these women had the necessary authority and aura to command such proceedings.

Sa'daoui fail to elucidate the mystery of these matriarchs. Moreover a high status given to a goddess does not imply high social status of women. Mary, the mother of Jesus, has an extremely high status in Catholicism but does this mean that Catholic women are liberated?

In fact such wild claims could serve the opposite purpose Sa'daoui and others like her have in mind. It is undeniable that many women in pre-Islamic Arabia enjoyed a great deal of freedom and high social status, and perhaps out of respect if nothing else such outstanding women should not be confused or lumped together with less honourable ones, i.e the prostitutes who ' practised' such polyandry.

Perhaps Sa'daoui could have cited the great poetess of Arabia: al-Khansa' as a suitable and potent example to make her point. A valid and sound point may we add, manipulating history serves no purpose in my opinion, because those who had been convinced by massaged truth will soon reject it once they discover the real facts. Al-Khansa was of the tribe of Madar, she refused to marry until she found the husband of her choice, she was famous not for her promiscuity but for her intelligence, her poetry, her eloquence, her courage and loyalty to her brothers, Mu'awiyyah and Sakhar, to whom she dedicated famous poems[131] . Indeed many women were enjoying high status and prestigious social positions but these were far and few between. The fact remain that this was not the case of the majority. And horrible practices such as female infanticide,

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131   *Warnock Fernea & Bezirgan, 1977: 1*

even if little spread, have to be addressed and redressed, and we know that few tribes practised it.

Other Muslim women writers champion the opposite side of the argument by claiming it was all dark misery for women in those days, they were all murdered at birth...[132]. If so how is it that an exclusively male population managed to reproduce it self in pre-Islamic Arabia? Yet again a mystery that defies reason.

It seems that the very model (Patriarchy versus Matriarchy) chosen by these authors to analyze the pre-Islamic era was inappropriate and overshadowing the main system these tribes used: the tribal solidarity or "assabiyah", which amounted to a real way of life for the people of the desert. An ancient Arabian proverb sums it up: ' My brother and I against my cousin, and my cousin and I against the stranger'.

The nomadic Arab acknowledged no loyalty or bond outside the tribe. The tribal bond was so strong in bedouin Arab society that if a member committed a crime against another tribe, his tribe would protect him and defend him against retribution and punishment from the injured tribe. But if the crime was against a member of his own tribe, his own family could would not protect him from its retribution.

Issues were not perceived in terms of gender inequalities or male dominance within a familial pattern as much as in terms of tribes and tribal allegiance. Members of the tribe were protected whether male or female and captives (or prisoners of war were maltreated whether male or female). An example of this was the legendary war of Basus (harb al-Basus) that lasted forty long years, originated in the trivial injury cause to an old women's (Basus) camel from the tribe of banu-Bakr. Her camel was injured by the chief of a related tribe of banu-Taghlib and the incident escalated into full-fledged war [133].

132   *Lemu & Heeren, 1978*

133   *Hitti, 1954.*

Whether these tendencies were patrilineal or matrilineal the fact remains that women were not allowed to inherited or own property[134] .

Matrilineal inheritance only meant that a man will inherit from his mother's tribe i.e from his paternal uncles; whenever possible it was the male relations that inherited, except in few exceptional cases when the man outlived all his male relatives, his wife or a female relative would then inherit. Such was the case of Khadija the prophet's first wife, a rich widow from aristocrat Quraish (the name of the main tribe in Mecca).

In the sixth century, there were two broad categories of people. There were the nomads and the urbanites, those settled in large urban and cosmopolitan cities such as Mecca and Medina (the name of two cities, still in existence today in the modern country of Saudi Arabia). The economy of these cities was built on class structure which was composed of merchants who owned cattle and goods and who were travellers in the caravan routes. Despite the role played by the nomads, it was the city merchants that dominated the economy and constituted the aristocracy. Women, whatever their class didn't participate in this class structure: they did not own property and were deprived of inheritance rights. Moreover, they themselves were subject to being owned and inherited as property.

Despite all the undesirable features of such society, there were some positive aspects in the social life of this same period, especially for the desert dweller. The nomad, (especially their women) who seemed to have enjoyed "a great freedom of movement as this was necessary to bedouin life then as it is today"[135]. .

However this type of freedom did not stop female infanticide (a frequent practice in pre-Islamic Arabia) nor did it alter the capturing and enslaving of women (as well as men

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134   Montgomery Watt, 1948.

135   Glubb, 1969

and children) and cannot be presented as a social indicator for women's emancipation, nor is it evidence that women enjoyed a high social status.

THE PERIOD OF REVELATION AND ITS IMPACT ON SOCIETY:

Muhammad, was neither rich nor powerful and when he first started spreading the new message of Islam, his tribe Quraish didn't see much harm in it, they even fell proud and honoured to house a prophet. It is only later, when they realized that his message was to be detrimental to their economical prosperity, that the Meccans declared themselves sworn enemies of Muhammad and the new creed: Islam.

Indeed Muhammad had denounced their polytheism and their idol worshipping. But Mecca was the centre of idolatry and pilgrims came from all over Arabia to honour their gods and goddesses, thus generating economical prosperity for the traders of Mecca, the Quraish.

Muhammad did upset much of the Arabian social order by his new teaching. The poor and the disadvantaged flocked to join his followers. Women played a prominent part in events. As a matter of fact the very first convert to the newly founded faith was a women, his wife Khadija who not only gave him encouragement and support but also put all her wealth at his disposal.

In her latest book, Fatima Mernissi devotes a whole chapter to the prophet and women[136] and how his message helped transform the social position of women, as well as expose the problems and innumerable difficulties he faced in doing so. The Arab men were not to easily give up their privileges.

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136 Mernissi, 1991

- ISLAMIC PRACTICE: A HISTORICAL PERSPECTIVE.

In this chapter we shall attempt to build a balanced picture of what women's lives like during the early days of Islam, in fact during the very process of revelation of Islam. It took almost twenty years for the message to be revealed and the process to be completed.

The first person to accept Islam was a women Hadrat Khadija the prophet's own wife. Khadija is a very interesting and important personality Because she was a very rich lady and a member of the "aristocracy" of Mecca, she ran her own business and employed men to trade on her behalf, it is in this manner that she came to know the prophet Muhammad, one of her employees. He was young and very poor but Khadija was impressed with his excellent behaviour and honesty as a matter of fact he was nicknamed the "Amin" i.e the trustworthy. She refused all her rich suitors and sent the twenty five years old Muhammad a message asking him in marriage. This story may seem somewhat unusual today and it was even more so then. Women like Khadija were the exception and not the rule in the sixth century Arabia, women who owned property and enjoyed such a high social status were a minority. However other examples are known, al-Khansa mentioned earlier was a liberated women who choose her partner, attended poetry contests, often as a judge,"past and present critics attest to her literary magnificence"[137].

Most women, however did not share the fortune of al-Khansa or Khadija, they were treated like property themselves, and men could marry hundreds at a time, on the death of the husband the wives would be inherited by the male relatives of the dead man, it was only in rare cases where there was no male heirs that women could inherit as was the case of Khadija, who out-lived her two husbands, al-Khansa outlived three husbands,

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137 R.A. Nicholson, 1953: 126

who were from noble extraction anyway and thus benefitted from their families high status and great wealth.

- WOMEN IN TRADITIONAL MUSLIM SOCIETIES: COGNIZANCE OF THE SOCIAL NORMS.

The monolithic appellation of Muslim women in the Muslim world. is not an appellation homogenous in terms of cultural backgrounds nor tradition. At the time of Muhammad, Islam shook the entire traditional Arab value-system and the existing social order. However, some of the deep-rooted values and traditions were not completely eliminated or even changed[138] . Islamic values, traditionally inherited values and newly introduced ones have intermingled and are found mixed in present Muslim societies.

Thus in this section, we shall address the issue of Muslim women who have not been awakened to their rights with which Islam endowed them. In most cases, they are deprived of the opportunity to be educated or to participate in social activities. As a result, most Muslim women suffer from subordination. It is considered that such discrimination has been caused by deviation of Muslims' minds from Islam. First, one of the traditional value concepts of the Arabs which has strong influence on the dynamics of male-female social intercourse is looked at.

It shall also be appropriate, here to consider the relationship between traditional Arab value concepts and those of Islam. Honour ('ird) is one of the most important values and moral codes, especially amongst the rural populations. Even after the advent of Islam, ' ird was handed down from generation to generation in a form which was modified by its interaction with Islamic values. To this day ' ird is regarded as an important value to be

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138   H. Jafri, 1989

kept in Arab society. Both men and women consider being ' honourable' as the most important aspect for an individual, family and society.

' Ird has been closely related to moral values, although historically it has been accomplished by keeping women's chastity. Not only do women keep their modesty, but men, also are seen as protectors of women's chastity and honour, and that of the family and the society. It is seen as the responsibility of men to protect the females chastity.

This problem has often been widely publicized in the inevitable feminist conclusion of pinning the entire guilt and responsibility on the men. The following extract gives, I think a better and more accurate analysis of the situation: ' Unfortunately for men, it is the conduct of their women that constitutes the main threat to their honour. A man may behave in all respect honourably, but if a woman of his family goes once sexually astray, his honour is dramatically compromised. Arab Muslim culture, like some others in the world, has thus encumbered the male's prospects of honour and esteem with what must seem to him a most precarious foundation, whence soaring his obsessions with female chastity' ! 140 □ . It can generally be said that the chastity of every girl after puberty becomes a symbol of her family's honour in the traditional value concept.

Thus, a women must keep her chastity all her life, otherwise "she not only shames herself but destroys her entire family's honour"!141□.The traditional value concept of ird, inherited from pre-Islamic nomadic tribes of Arabia, has been associated with Islam.

It should be pointed out, however, that Islam does not advocate the segregation of the sexes. As a matter of fact the Qur'an makes one single mention of ' confinement in the home' (Qur'an, IV: 15) in the specific case of women adulteress, as a form of punishment, continuing to say, that if the women repent to Allah, she should be forgiven.

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139   Sa'daoui, 1984; Mernissi, 1982

140   Unni Wikan, 1982: 142

141   Naila Minai, 1981: 100

Segregation of the sexes is one of the practices used to keep morality in society. Contrary to the general assumption that the first purpose of segregation is for women's incarceration, it is really for the protection of male and female chastity in most Arab societies[142].

However, one cannot deny that one of the major results of such segregation have been to confine women away form social life, rendering them inactive, and subjected them to men's domination. Male domination primarily directed at keeping male honour, also leads to women's deprivation from education, keeping women ignorant, which in turn helped maintain the male dominance.

In the case of excessive domination, a husband exercises both physical and psychological domination over his wife. "He will frequently be extremely violent towards her, and will vent his frustrations upon her"[143]. Sa'daoui describes the situation of discrimination against many women as follows: "The forms of suppression exercised against women are manifold. Most of them rely on fear and intimidation, on subtle or direct forms of obscurantism, on keeping her in the dark, ignorant, deprived of true knowledge. For a woman, right from the early stages of childhood and during the years of growth, adolescence and youth, is deprived of any . .knowledge

Sa'daoui, with perspicacity, depth of analysis and style puts the finger on the root problem i.e female lack of education and lack of real knowledge. Thus clearly, directing us to the would-be solutions of this deplorable situation: female education and acquisition of real knowledge by women and for women in a context of social justice. Two elements stressed by Islam since its very inception, indeed the first word of divine revelation to the Prophet Muhammad was ' ikra' (read) addressing each and every Muslim. We shall come back to this point in our finale conclusion.

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142   Wikan, 1982: 51,186 & Sa'daoui, 1980: 99

143   Minces, 1981: 43

144   Nawal Sa'daoui, 1980: 44

At the time of Muhammad, in early Islam, there were many women who could attain social prominence as scholars, scientists... However women's social status soon changed with the passing of time. Although it is generally considered that the symptomatic practice of the separation of the sexes are found from the time of the ' Khulaffa al-Rashiddun' (the righteous Caliphs), many women were still active in the social life at that time[145].

Segregation was also seen as the catalyst of abusive polygamy, as it created favourable atmosphere for the exploitation of women, and many men who did not fulfil the necessary conditions practised polygamy. Many female Muslim scholars, such as A. al-Hibri have pointed to verse (IV: 129) the justice and equality required as conditions to an eventual polygamy are impossible to achieve, which taken in conjunction with verse (IV: 3) i.e the verse often used to justify polygamy, gives us a situation impossible to achieve according to the Almighty's own words, this impossibility is reiterated time and time again. Therefore since the prerequisite conditions of any polygamy are an impossibility, polygamy itself, we can argue, is not permitted nor legal [146] and contradictory to the Islamic spirit of justice.

Traditional values have sometimes been transformed into an excessive and extreme form, exceeding the original Islamic value. It might be said that this is partly due to the deviation of Muslims from Islam. Moreover, in the development of Islamic jurisprudence or Shari'ah, there would seem to be some factors which have made the role or situation of women more conservative. Particular exegeses (or tafsir) of Islam seem to have been favoured over others as demonstrated by the eminent scholar Fatima Mernissi in her latest book [147].

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145 Mutahhari, M .1981: 321

146 Al-Hibri, 1982: 216

147 Mernissi, 1991

Many reformers have identified and criticized the ills of a medieval society in a modernizing world, sowing the seeds for legal reform in many Muslim countries, especially in Egypt. Important figures such as Muhammad Abduh, Jamal ul-Din al-Afghani, Syed Qutb, Malak Nassef etc... attempted to provide a Muslim rationale for change and reform.

Muhammad Abduh, often called the ' Father of Muslim modernism', struggled with the reality of change. He articulated an Islamic rationale for reform. Recognizing the discrepancy between Qur'anic reforms and women's social status in the nineteen century. Abduh criticized the waywardness of Muslim society in the following way:[148]

"The Muslims have erred in the education and training of women, and in not teaching them about their rights; and we have failed to follow the guidance of our religion, becoming an argument against it"

Bearing in mind the importance of the family unit in Islam; Abduh was especially critical of polygamy and its disastrous effects on family life. His Quranic argument was that a crucial element was overlooked, the condition of doing justice to all wives, a practically impossible situation to achieve. The true intent of the Qur'an, he argues, is ideally monogamy (Qur'an IV: 3 and 129)[149].

Qassim Amin, however went beyond the usual theological argument, his concern was to develop a social dimension of the modernist movement by focusing on the plight of the Muslim woman as the reason for the deterioration of the family values and society as a whole. Amin was singularly critical of arranged marriages, the wife's lack of legal right to instigate divorce procedures, and the unrestricted right to divorce, all of which he believed perpetuated the servitude and subordination of Muslim women. In a step to redress such inequalities, he suggested that women have equal divorce rights to men

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148   Abduh, 1966: 66

149   See Abduh, 1966:39

(Amin, 1899: 165). His book tahrir al-mar'a (The Emancipation of Women) and later al-mar'a al-jadida (the new Woman), generated a deluge of quick and very critical reactions. Even so, his writings became a source of inspiration for many feminists. Huda Sha'raoui, leader of the Feminist movement in Egypt, hailed him as ' the hero of the feminist awakening and its founder' but perhaps this is because both Amin and al-Sha'raoui share common inferiority complex as native Egyptians in the days of British rule, they also shared a peculiar admiration for their colonizers and worked at emulating them, thus distancing themselves from any ' native' i.e Egyptian and Islamic...

Many more have since espoused the cause of women in the Muslim world, not all operating from an Islamic platform which, unfortunately for women seemed to further confuse the issue instead of solving it. However it seems that more recently a chorus of practising Muslims are realizing the importance of this issue and have begun arguing the case of women's emancipation and full participation in society from an Islamic perspective. This includes intellectuals and Islamic groups in the East as well as in the West, such as Zainab al-Ghazzali as an Islamic model to woman's participation in political, religious and social life in Nasserite Egypt[150] and most European Muslim groups and scholars.

Many academics like Leila AHMED, Fatima Mernissi... are also re-discovering and re-claiming the Muslim woman' history. For example Ahmed[151] has brought back to public attention the work of Malak Nassef, a campaigner for women's rights in early 1900 in Egypt; Mernissi has revisited many hadiths questioning their authenticity etc...[152].

Islamic articulations for women's rights, such as Nassef's have been marginalized and almost forgotten because they did threatened the colonial project by calling for a

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150   al-Ghazzali, 1994

151   Ahmed, 1992

152   Mernissi, 1991.

revival of real Islam, but they also displeased the male chauvinist self-appointed representatives of Islam: the Mullah or Ulama, who had monopolize Islam and transformed it into male-worship.

Indeed a tradition (hadith) commonly acknowledged by theologians, to be a fabrication, is notorious amongst the people, it says: "if is was not by fear of associating gods to ALLAH, a woman would have been asked to prostrate to her husband". Yet in Islam, the concept of unity and unification of thought and worship is paramount, Islamic ideology is based upon unitarian belief or tawhid worldview. Therefore the most sinful of all sins is to assign partners to ALLAH. Consequently it is highly unlikely that the Prophet Muhammad (pbh) of all people, would ask his followers to commit such grave wickedness. Muslims are specifically asked never to prostrate to anyone but their Lord and Creator: ALLAH. Not even the Prophet himself can be deified, indeed the testimony of faith every Muslim has to utter is that s/he recognizes and accepts Muhammad (pbh) as slave (abd) and messenger of ALLAH. The concept of tawhid (unitarianism) is nor only crucial but central to Islam. How can than a Muslim man expect his wife to even contemplate committing such flagrant sin? and how is it that such obvious and anti-Islamic fabrication became common knowledge and is very seldom challenged by the so-called mullahs and second rate u'lama (scholars)? Or is it that Muslims have strayed so far from the original beliefs ,and scriptures of ALLAH?

Chapter 11: ISLAMIC LEGISLATION AND WOMEN'S FINANCIAL RIGHTS:

- INTRODUCTION:

Much feminist writing is in essence an attempt to grapple with issues of power in the relative positions of women in society. Whether articulated in terms of sexual inequalities, patriarchy, modes of production, or male dominance, questions regarding power lie at the heart of most debates on genders relations.

The issues related to power require the ability to act autonomously and independently. In this respect ' property' is a crucial indicator of the balance of power between men and women. Although the significance of property is a commonplace in class analysis and basic to a materialist interpretation of social phenomena, little systematic attention has been directed to this factor in the analysis of women's position in society. This omission is even more striking in view of Engel's profound influence on feminist thoughts and his thesis that women's subordination developed through private ownership[153] and through monogamous marriage -pre-dating Engel, McLennan (1965) voiced similar views on monogamous marriage. He also asserted that individual property rights marked a great advance over previous periods when ownership was vested in the group, the clan or tribe. This work will follow the broad tradition based on the assumption that examining ownership rights and ' property' would shed light on important dimensions of gender relations. It shall therefore put women and property at the centre of the argument, seeking

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153   *See Leacock, 1981; Reiter, 1992; Sacks, 1979*

to explore wider dimensions of the topic, opening it up to further investigation and productive scholarship.

We shall be looking at ways gender relations have been structured by access to and control of property, as well as transmission of property. These apparently straight-forward enquiries touch upon issues of considerable complexity questioning deep ideological constructs; most of which are beyond the scope of this work. However we shall not shy away from mentioning them hoping at least to raise consciousness and perhaps induce further studies in this direction. While it can be seen as a determinant factor in the dynamics of gender relations, it soon becomes evident that ' property' as a category for analysis requires examination.

The first confrontation is with one's own notions of property. Inevitably these will be rooted in one's own historical experience. The issue becomes even more complicated when one is studying an alien culture, the danger then, will be to ' universalize' our own concepts, transporting them into foreign environment, thus causing

"serious misinterpretations of the concepts of alien cultures, due to one's inadequate mastery of the concepts of one's own culture"[154]

added to this is the lack of understanding of the moving ideologies behind these societies's dynamics. Cross-cultural studies, should systematically include some conceptual ground work, because assumptions which one hold self-evident as a members of our own culture may be an impediment to a more complete understanding of the topic.

These are the main causes of ethnocentric and androcentric studies (I would like to add here that these criticisms can go both ways even if we may witness more abuses on one side, the other side, i.e non-Europeans writings about ' the West' or women's writings about ' men' are not immune to similar shortcomings). And the ' OTHER' too must accept and face criticisms if they want their work to be taken seriously and if their

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154   Finnegan & Horton, 1973: 34

aim is to achieve a balanced and perhaps just (to use a highly idealistic term) cross-cultural and gender relations.

The case of Islam is a clear example of such misinterpretation, it is often, if not always, considered by outsiders as a religion, and few make the effort to understand it in terms of an ideological force, a real dominant social thrust in Muslim societies. In this work I will do just that, looking at Islam as an ideology not a religion (as in the Western sense of both words).

Broadly speaking the notion of property and attitudes to ownership in the West are associated with the development of capitalism and with the notion of commodity. Property is based on the idea of private ownership which confers on the individual the right to use and to dispose. Property is thus seen as valued goods or objects which can be transferred between legally constructed individuals.

Some of these notion are deeply entrenched in Roman law [155]. This very familiarity may blind us to fundamental differences in concepts of ' property' and ' person' in other social groups.

In Islam the notion of ' redistribution of wealth' is diametrically opposed to that we are accustomed to in the West. The very notion of wealth itself is radically different. Being a highly unitarian faith Islam teaches that everything in this creation belongs to ALLAH.

The notion of ' personhood' (to use Germaine Greer's term) is seen in the light of ' representative'(or caliph) of ALLAH on earth. Every Muslim, male and female, old and young, is conceptualized of as a ' caliphate ul ALLAH fil ardh' (representative of ALLAH on earth). From this follows the notion of wealth. In Islamic ideology ' wealth' is but a ' trust' from ALLAH to a mortal. A Muslim shall always remember that all material and immaterial (health for example) wealth belong to ALLAH and is put in

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155   see Maine, 1861

his/her hands for safe keeping and to use in the way of God, i.e do charitable deeds; to one's self, one's family, neighbours and relatives... and so on. The sphere of charity and good deeds grows in ever increasing concentric circles.

Wealth is seen as an ' imtihan' or test to the person's good will and compassion. Hoarding is a most abhorred and loathed feature in a believer's character. Wealth is to be continually redistributed for the good of the community not accumulated and amassed for the benefit of the few.

For this reason charity is indeed a very commendable quality, as a matter of fact ' charity' or (sadaqa) too is conceptualized of differently in Islamic ideology. ' Charity' is the ' right' of the poor over the rich, not as in the Western context. A Muslim should give (sadaqa) or ' charity' to those less fortunate then her/him from the best things she/he owns, but most importantly this has to be done with the right frame of mind i.e remembering that this is the ' due' of the poor and his/her God defined right to take and use and enjoy.

Charity is not a pittance one throws away at paupers and beggars. Of course, the person giving ' charity' or (sadaqa) will be rewarded but not for departing with his/her ' property' as we saw all wealth in Islam is perceived of as belonging to ALLAH, but for her/his feelings and compassion for other creatures and for having resisted the temptation to hoard it all.

Last but not least we may point out that object of (sadaqa) or ' charity' in Islam can also be an animal (many Traditions of the prophet or ' hadiths' speaks of kindness to animals as a way to paradise) other parts of creation such as the environment etc.. can be the object of ' charity', taking care of the planet resources and showing respect for ' mother earth' too is a (sadaqa) or ' charity' in Islam and earns a Muslim rewards in the Hereafter.

Therefore it is not only material wealth that can be the ' subject' of (sadaqa), attitudes too can be offered as ' charity' to ALLAH, a famous Traditions of the prophet says:

"save water when you make ablution even if you are making your ablutions on the ocean shores" the very example of doing one's ablutions by the sea side is deliberate, as one might argue that is does not matter how much water we may use then because no water is lost, it will all go back to the sea/ocean, what is meant here is obviously the attitude of the person making the ablution regardless of the amount of water used. One should always be careful with all natural resources.

The planet's resources, in this case water are not ' public commodities', in Islam they are seen as ALLAH's. He has made them available to us, and as such deserve our respect. This respect should translate into actions, an Arabic saying sums it up nicely: ' al Dinu amala' faith is action.

The last notion to remember as regard to ' property' is that in Islamic ideology the rights of the individual are not absolute as some liberals, and capitalists would argues. The individual's rights are limited by those of the community, the latter will take prevalence in case of conflict.

The individual's rights are not only curtailed if they may cause ' material' harm to society but also ' psychological' harm such as resentment, here I am referring to the inheritance laws whereby a person cannot prevent his/her relatives from inheriting by donating all his/her wealth to others. Islamic law does not allow an individuals to WILL more than a third or his/her wealth to non-cognates relations, so as not to cause resentment and bad feelings within the family who has provided a lifetime of love and care to the person; and ultimately to safeguard against the decay of the family as an institution. In Islam the family is seen as an extremely valuable institution, it is indeed seen as the primary base of a strong and healthy society.

Having defined the categories, and questioned the different concepts, we will in the next two sections (on inheritance and the bride's gift) be looking at what financial rights do Islamic laws confer upon women but also at the latitude given to women to act independently with regard to wealth.

We are not looking at wealth as a consumer-power generating commodity, as in the Western model where women seek to be liberated only within the economic (materialist ideology) context. In an Islamic context women may acquire wealth in ways other than paid labour, namely through inheritance and marriage; whereas in europe women have been able to do so only in the last fifty years. Such wealth is not solely seen as a means to purchase material goods.

Entrusted with wealth a person (male and female) will learn to manage her affairs, to make investments, make decisions, set up projects, to become responsible and even show compassion, kindness etc... in short to fulfil her duties and realize justice in the ' ummah' or Islamic nation, just as a man has to. It is from this aspect that the Islamic model looks at property rights for women.

- INHERITANCE OR ' MIRATH':

The branch of Shari'ah that deals with succession laws is called "' ilm al-fara'id" or science of the ordained quotas.

The Qur'anic law altered the Arabian laws mainly in favour of women, (surah 4: 19) "O ye who believe! Ye are forbidden to inherit women against their will. Nor should ye treat them with harshness..." expressly forbids pre-Islamic customs where women themselves constituted part of the estate of the deceased.

One provision which has been made under special circumstances was revoked later on: soon after the "hijra" or migration of the Muslims from Mecca to Medina, it had been ordered that the "muhajirun" (those who migrated with the prophet to Medina) and the "ansar" (those believers of Medina who received them) should regard themselves as brethren and consequently inherit from one another.

Chapter (surah) 8: 72 and (surah 8: 75) later revoked this, when relations with the city of Mecca were re-established and families re-united (surah 33: 6) clearly states:

"...Blood relations among each other have closer personal ties, in the decree of God, than (the brotherhood of) believers and ' muhajir ' (muhajir is the singular form of ' muhajirun, earlier referred to) i.e those who migrated from Mecca to Medina with the prophet). Nevertheless ye do what is just to your closest friends: such is the decree of God"!156□

In general, the Qur'an confirmed the system of secondary heirs, later called the quota-heirs (dawu'l fara'id) as confirmed in !157□:

"It is prescribed, when death approaches any of you, if you leave any goods, that he make a bequest to parents and next of kin*, according to reasonable usage; this is due from the God-fearing". *

Here an explanatory foot-note is added by the Translator Yusuf Ali: "there are rules of course for the disposal of intestate property".

But it is a good thing that a dying man or woman should, of his/her own free will, think of his/her parents and next of kin, not in a spirit of injustice to others, but in a spirit of love and reverence for those who have cherished him/her. This must be done "according to reasonable usage" (bil ma'ruf). (Translation by Yusuf Ali, 1946: 71). The same surah continues, describing the limitations of such an injunction:!158□

"If anyone changes the bequest after hearing it, the guilt shall be on those who make the change. For God hears and knows all things"

and :

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156   *surah 33: 6)*

157   *surah 2: 18*

158   *Surah2: 181*

"But if anyone fears partiality or wrong doing* on the part of the testator, and make peace between (the parties concerned) there is no wrong in him: for God is Oft-forgiving, Most Merciful"[159]

*Translator's footnote: "A verbal will is allowed, but it is expected that the testator will be just to his heirs and not depart from what is considered equitable. For this reason definite shares were laid down for heirs later (surah 4: 11). These define or limit the testamentary power, but do not abrogate it. For example, amongst kin there are persons (eg, an orphan grandson in the presence of surviving sons) who would not inherit under the intestate scheme and the testator might like to provide for them. Again, there may be outsiders for whom he wishes to provide, and jurists have held that he has the powers of disposition up to one-third of his/her property. But s/he must not be partial to one heir at the expense of another, or attempt to defeat lawful creditors. If he tries to do this, those who are witnesses to his oral disposition may interfere in two ways. One way would be to persuade the testator to change his bequest before he dies.

The other way would be, after his death, to get the interested parties together and ask them to agree to a more equitable arrangement. In such case they are acting in good faith, and there is no fraud. They are doing nothing wrong. Islam approves of every lawful device for keeping brethren at peace, without litigation and quarrels. Except for this, the changing of the provisions of a Will is a crime, as it is under all law. (Yusuf Ali' translation of the Qur'an, 1946: 71).

In legal terminology, mirath means inheritance to be divided from the property of the deceased among his successors. The science of mirath in sharia' or Islamic law gives rules which guide as to the heirs. Thus, one of the most important branches of the Islamic family law is that relating to inheritance.

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159 Surah2: 182

The death of a person brings about transfer of most of his rights and obligations to persons who survive him/her and are called ' waratha', that is heirs and representatives. Just as inheritance is called mirath in Arabic.

The transmissible rights include all rights to property as those well as connected with it, and other dependent rights, such as debts, rights to compensation, etc...There are also transmissible obligations to be satisfied out of the deceased's estate. What is left after the last needs of the deceased have been satisfied, namely after payment of funeral expenses and the discharge of his or her obligations and debts, is to be distributed according to the law of mirath (inheritance) as defined in the Qur'anic injunctions.

The rules regulating inheritance in shari'a are based on the principle that property which belongs to the deceased should devolve on those who by reason of consanguinity or marital relations have the strongest claim to be benefited by it and in proportion to the strength of such claim.

The deceased may, however, leave more than one person so related or connected to him that it would be difficult to say with regard to anyone of them that his claim should altogether supersede that of the others. It is laid down in the Qur'an: "of your parents and children you do not know which of them are the nearest and of most benefit to you" (Qur'an 4: 10).

Islamic law distributes the estate among the claimants with order and harmony according to the natural strength of their claims. Qur'anic injunctions have made it clear that there is a share for men and a share for women in inheritance. In general women are allocated half the share of a man :"To the male a portion equal to that of two females" (Qur'an 4: 11).

But it is not always the case as women may inherit different proportions whether they are wives, mothers, daughters or sisters of the deceased; the Qur'anic verse carries on : "If only daughters, two or more, their share is two thirds of the inheritance; If only one, her share is a half. For parents, a sixth share of the inheritance to each, if the deceased

left children; if no children, and the parents are the (only) heirs, the mother has a third; if the deceased left brothers (or sisters) the mother has a sixth. The distribution in all cases is after payment of legacies and debts. Ye know not whether your parents or your children are nearest to you in benefit.

These are settled portions ordained by God; and God is all-knowing, all-wise" (Qur'an 4: 11)."In what your wives leave, your share is half. In what ye leave, their share is a fourth, if ye leave no child; but if ye leave a child, they get an eighth; after payment of legacies and debts.

If a man or a woman whose inheritance is in question has left neither ascendant nor descendants but has left a brother or a sister each one of the two get a sixth; but if more than two, they share in a third; after payment of legacies and debts; so that no loss is caused (to any one). Thus it is ordained by God; and God is all-knowing, most forbearing." Qur'an (4:12). Connected with this is the surah or chapter (2: 240), which expressly secures the wife, if she survives her husband a legacy that ensures her maintenance for a year: "those of you who die and leave widows should bequeath for their widows a year's maintenance and residence*. But if they leave (the residence) there is no blame on you for what they do with themselves, provided it is reasonable. And God is exalted in Power, Wise" (Qur'an 2: 240).

The principals of inheritance law are laid down in broad outline in the Qur'an; the precise details have been worked out later by scholars of religious law or jurists. They clearly defined the essentials of succession as follows::

1. the deceased person;

2. the heirs;

3. the estate.

In most cases the estate is the most important part of the law of succession. But jurists differ in what sort of property/contract excludes rights and which rights are not

inheritable. For example, if someone enters into contract of hire, should his or her heirs after his or her death inherit the contract also?

According to the Hanafi* school the contract lapses with the death of the contractor, however the other school disagree and see it at the responsibility of the heirs to honour their relative's contract, i.e inheriting the responsibilities too. (* there are five recognized schools ' fiqh' or jurisprudence in Islam: the Hanafi, the Maliki, the Hanbali, the Shafi' and the Ja'ffari each named after its originator, all are rather similar and only reflect the vastness of early Islamic territories, each scholar's area of influence was limited by geography. For example that of Imam Malik covered the entire Maghreb, today still following the Maliki ' fiqh' or jurisprudence, hence the need of other eminent jurists to cover the rest of the Muslim territories).

Jurists also set three conditions of Succession which must be satisfied:

1. The death of the Propositus: which must be actual and clear either by real death or by decree of the court in the case of a missing person.

2. The survival of heirs at the time of death: It has to be proved that the heirs or heir are surviving at the time of the death of the propositus, before he or they are allowed to inherit. Some schools such as the Maliki fiqh even look out for the unborn child's share, the whole estate is kept pending till delivery. The most important thing in inheritance law is that the property left behind, however little it might be, should be distributed justly among the heirs.

The ' ulama or scholars say that even if the deceased has only left a piece of cloth, it should be cut into equal number of pieces among the heirs, pointing to the importance of upholding the principle of justice, in order to keep peace and harmony between families, indeed true peace rests on justice being done, this principle has long been known to the wise in the Muslim ' ummah even though is does not seem to be often applied nowadays, perhaps account for the present unrest in those countries.

3. A relationship which justifies inheritance: The nearer relative precludes the distant from the inheritance. There are also some impediments to Succession for example a deceased Muslim can only be inherited from by members of his or her family who are also of the same faith, and a Muslim heir can only inherit if the deceased relative is a Muslim too.

Jurists also agree that a person who has committed a murder is not to inherit. Of course there is an awful lot to the laws of succession, which is an important section of Islamic jurisprudence, and anyone interested could consult the huge literature available in this subject, as well as the wealth of lawyer's books specialized in the field. This of course is the theory, in practice however, many women miss out on their rights, this has been widely criticized by sociologists.

However, one must admit that this is more of a survival technique than a systematic misogynic practice. Often women are made to accept movable wealth or cash instead of real- estate or lands highly valued among the peasantry. Families would give their daughters often married to other clans, or villages cash or a piece of jewellery... in their effort to keep the land together, undivided so as to retain a viable farm for the sons who remain at home, and need along with their families to survive on their farming...

- THE ' MAHR' OR ' SADAQ':

This is the bridal gift women receive from their husbands, the word ' sadaq' most often used in North Africa, literally meaning ' friendship', reflects the spirit in which such a gift should be made. It has often been translated as ' dowry' in Islamic literature, but here, I shall deliberately be avoiding to use the word ' dowry' as it has many cultural and historical connotation attached to it. Indeed the term has been used to cover a wide range of transactions.

In the European context one may easily confuse it with the European custom of the bride's father ' gift' to the husband to be. It has also been interpreted as the pre-mortem transmission of inheritence.

But more importantly it could be confused with the unhappy customs still in prevalent amongst the upper castes, in the Indian sub-continent. Whereby the girl's family is to pay huge amounts to the husband to be (relevant to the cast, not the individual financial situation) to marry their daughters.

The daughters than come to be seen as a liability, and even a victim. Many parents who cannot afford to pay huge sums kill their daughters to spare them the shame of spinsterhood[161].

In Africa too a different concept exists, also called ' dowry' or bride's-price, whereby a man has to compensate the bride's father for the loss of a pair of helping hands, and pay for the acquisition of a new worker and reproducer (of babies). Often husbands sees it as their right to claim back the bride's-price if the new wife is found to be barren. It is, thus imperative for us to make clear, from the beginning, that the very concept of ' dowry' is very different in Islam so as to avoid confusions and further misunderstandings. Not only the transmission process is different but the fact that in all these cases women seem to have no access or control over the wealth transmitted.

In Islam, ' mahr' is the transmission of wealth from the groom to the bride for her to dispose of as she pleases. It is a ' present' the husband give his wife, it is not a pre-mortem inheritance nor a bride-price.

Sadaq (literally friendship) or mahr is a present given by the bridegroom to his bride, when the marriage contract is made and which becomes the property of the bride herself to use or invest as she pleases. The Qur'an contains this conception of the mahr as a '

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160   eg Goody and Tambiah, 1973

161   The Observer; article, August 1992

gift' or their marriage portions in the spirit of a gift (Qur'an 4: 4). The emphasis is on it being a ' voluntary' gift or "nihlah", meaning to give something willingly, of one's own accord, without expecting a return for it[162] . Indeed the Qur'an explicitly asks men not to take any of the mahr back in case of dissolution of the marriage as it has become the property of the wife (Qur'an 4: 20). The Qur'an demands a bridal gift for a marriage (Qur'an 4: 24-25).

Here one might add that in Islam the marriage is purely a civil contract not a sacrament, and resource to divorce is a possibility. Neither the amount nor the kind of this friendship gift is specified in the Qur'an, and most of the ' ulema' (exegetes) have said it ought to be suitable to the wife's accustomed standards.

But, in fact the amount and type of wealth (movable or immovable) is only to be decided by the involved parties, it can be an iron ring (tradition of the prophet, Bukhari) just as it can be a whole treasure (Qur'an 4: 20).

There is also some confusion, introduced by the ' fuqaha' or jurists in Islamic law, about the mahr being made into a condition for the legality of the marriage. Whereas one can conclude from the Qur'an and a number of Traditions that the mahr is an essential part of the marriage contract, there is no evidence to say that is it a condition sine quinone of legitimacy of the marriage it self.

This ' friendship gift' does not have to consist of material wealth, a precedent for this exist in a hadith or Tradition of the prophet, when a poor man was asked to teach his wife some verses of the Qur'an by way of ' mahr'; another women is reported to have accepted her husband's conversion to Islam as her ' mahr'.

Since marriage is an important aspect of life in the Muslim society, the prophet is reported to have said "marriage is half of one's ' deen'" (deen: meaning religion as a way

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162 Zamakhshari, M. Asad, 1980: 102

of life). This seems to be the most common way most women (especially those very young brides who are not employed) have access to wealth ownership.

Chapter 12: THE DETERIORATION OF WOMEN'S CONDITION IN THE MUSLIM WORLD:

- GENERALITIES & HISTORICAL BACKGROUND.

Arab history in general shows that in the early Islamic era women participated in all aspects of social life. Arnold described the early Islamic era thus:

"with the introduction of Islamic civilization and ideas, the woman's life was more enriched and her influence extended everywhere. She fought side by side with the man to propagate the Muslim faith. Khadija, the Prophet's wife supported him through her intelligence and wealth, and reassured and comforted him when he was suffering for his people. Islam improved women's conditions by freeing them from the arbitrary patriarchal power of the parents or the heirs of their husbands, by giving them legal rights in case of unfair treatment, and by absolutely prohibiting the incestuous marriages which were well known in pre-Islamic period"!163☐.

Islam considered woman as an independent being economically and financially, as a beneficiary of legal rights and as subject to duties. She can own and manage her own property; her position is regulated by the Qur'an the Sunnah and the ' hadiths' (Traditions). Women at the early stages of Islam enjoyed freedom of movement and activity. They accompanied men at public functions. Women used to appear in mosques and public places togethers with men.

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163 Arnold, 1913 :8

Muslim women, of all ages and walks of life contributed to social life of their community as a full member of society, fulfilling their obligations and duties in every sphere of the family and community. But during the middle and later part of the Omeyyad dynasty, the Arabs, mixed with Byzantines, Persians, Turks and Indians, either as a result of inter-marriages and trade or after invasions. As the Islamic Abbasid dominion expanded, the Arabs acquired some foreign customs and traditions, such as the seclusion of women and the veil.

In a wealthy society, the peasant Arabs developed a liking to luxury and city life, abandoning the simple life of the desert. "...sex became a source of pleasure as foreign captive women entered the society and trade in them became a source of profit". women were to be regarded as a possession (a female, a sex object rather than a person) and an overestimation of their sex value had began. The veil and seclusion, acquired a new meaning and function, they were perceived as a protection for respectable women as opposed to captives and loose footed women. Seclusion came to denote high rank and gradually it became a symbol of caste (an Indian concept alien to Islam) and a mark of superiority (again this is an alien notion to Islamic ideology, where all are equal except a person's good actions, morality, compassion and good behaviour).

Writers have identify many factors as possible catalysts for such deterioration of the women's position in Muslim societies. One of these was political upheavals (such as the Mongol invasions). These caused society to react by becoming conservative in order to maintain its equilibrium under the impact of these new destructive influences.

With such invasions or threats of military attack, the problem of security increased. In this climate, the physically weak needed protection, women came to be seen as a burden by the society that valued the warrior. The sudden change from tribalism, where people lived with relatives and friends, to alien urban environment has also been proposed as

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164   Lois al-Faruqi, 1988: 13

165   Jamaly, 1945:36

one explanations, resulting in "instinctive protection of women"[166]. Although such an explanation seems irrelevant to the extent that the vast majority of Muslims (veiled women) were already urbanites from cosmopolitan cities of Mecca, Medina.

The reassertion of local pre-Islamic customs and practices as time passed by has also been advanced. For example for some of the Berber tribes of North Africa, marriage, following pre-Islamic Berber custom, is still a form of purchase wherein the husband pays the ' dower' to the father of the bride and demands it back should the wife be repudiated. Also, though Islam specifically forbids this (Qur'an 4: 7), Berber women have sometime been denied their inheritance rights because the official tribunals applied, through ignorance, a local customary law instead of the shari'ah[167].

However one important mechanism used by men to exploit this favourable climate, where women were kept and maintained in a subordinate position, has been the use of Islam itself, this is the issue of interpretation of the scriptures: tafsir.

This of course will be a succinct review of obvious misinterpretation. We shall only use some common sense and rationality to examine some issues, as the topic of ' tafsir' is a subject well beyond the scope of this thesis and one in which I do not have any expertise. However it is important even for the non-initiated to question injustice, and oppression that disables half of human society, whatever the justifications for such state of affairs. The result of this was that women gradually, and because of various corruptions, lost their freedom and their value as social beings and full persons by being forced into seclusion and a life of shadows.

These social changes took place principally in the urban environment. Rural women often were more fortunate, they died not loose their freedom and were never subject to cumbersome ' purdah' (total, heavy veiling as one might still see today in some parts of

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166 *Tillion, 1968: 6/9*

167 *Coulson, 1964: 137*

the sub-continent), even though peasant women do wear protective and decent clothing, as one may observe through out the whole Arab and Muslim world, and throughout history.

- ISSUES THAT CONFRONT MUSLIM WOMEN: INVESTIGATING VEILING, SECLUSION AND SEGREGATION.

As we saw earlier and in Gibb's own words "Islam's main intent was to improve the treatment of women"!168 not to seclude nor isolate them.

Islam fought hard for women to be seen and treated as individuals not as females or sex objects, it aimed to achieve "personhood!169 for women. During the times of the Prophet women neither veiled nor secluded, as a matter of fact:

"Women, in that remote age, were an integral part of the communal life, segregation and seclusion, which impoverished and narrowed the life of Muslim women for centuries, were instituted much later."!170

It is only when the Muslim caliphate became powerful and wealthy that a liking for city life developed and the simplicity of the desert life was abandoned. Then the new city dwellers came to indulge in the luxuries and vices of the urban life, women were to pay the price, they came to be seen as a source of pleasure, sex objects, possessions overestimated for their sex.

Only then the veil and seclusion became a mark of honour and morality. Seclusion came to denote high ranking and gradually it became a symbol of caste and a mark of

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168   *Gibb 1981: 384*

169   *using Germaine Greer's own terminology (1989).*

170   *Ilse Lichtenstadler, 1974: 43*

superiority[171]. We can but notice the insidious and malignant insertion of alien concepts into the Muslim society.

The cruel and degrading caste system is alien to Islam as Islam is vehemently and categorically against any class system. The Prophet said[172]:

"You are all equal, what ever your skin colour, whatever your parentage, whatever your age or sex, the best amongst you is the most pious, the doer of good".

As for the inhumane practice called seclusion, it is only mentioned once in the whole Qur'an, in the following way: "And as for those of your women who become guilty of immoral conduct, call upon four from among you who have witnessed their guilt; and if these bear witness thereto, confine the guilty women to their houses until death takes them away or God opens for them a way through repentance. And punish both parties, but if they repent and mend their ways leave them alone for God is an acceptor of repentance, a dispenser of grace." (Qur'an IV: 15-16).

Seclusion is clearly intended as a form of punishment in exceptional cases of open and flagrant sexual transgression, witnessed by four reliable honest members of society. Even so such an extraordinary behaviour is to be forgiven if the two parties repent and mend their ways, demonstrating that Islam's main purpose is not to punish but to educate the individual in order to enlighten human society.

Another factor that led the Muslim to adopt and even encourage seclusion and heavy veiling of half of their society, as is the case of some Arab and sub-continent countries is more recent in history. We must mention the fact that some traditionalist quote from ' the Confederates' chapter XXXIII of the Qur'an, or verse 33: "And stay quietly in your homes..." conveniently forgetting that the immediately preceding verse specify who is

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Jamaly
171 ¥Fadil, 1945: 36

172 Bukhari, vol 7 .

thus addressed, clearly stating: "O consorts of the prophet! Ye are not like any of the other women.."(Qur'an XXXIII: 32).

The difference between the wives of the prophet and other Muslim women is a well documented and clear to all Muslims. For example if they were to sin in any way the Qur'an clearly states that they should get double the punishment of any other Muslim woman (Qur'an XXXIII: 30). Wives of the prophet were also strictly forbidden to remarry after his death (Qur'an XXXIII: 53), and where told so during his lifetime, this does not apply to other Muslim women. While some ' ulema (Muslim scholars) may argue that what is good enough for the family of the prophet should be good for other Muslim women, thus justifying female seclusion, none of them has yet decreed to double women's punishment or to prevent women from remarrying, nor have they extended the symmetry to compare men with the prophet himself, requiring the highest integrity and commitment? These ' ulema's rules and regulations seems to be strangely confined to curbing women's rights only.

Since the late eighteenth century, the Muslim world has been exposed to a variety of Western influences through missionary activities, colonization, political and economical dividend. The impact of the West was directly felt then as it is today through the global interdependence and monetary systems.

Western technology and material achievements have brought with it a whole set of values and new cultural elements, not always compatible with the Islamic ethos of these societies, posing thus a dilemma. Can Western technological and scientific achievements be copied without taking on board those elements of Western culture that are irreconcilable with Islam?

Emerging from the darkness of colonization a few Muslim countries had the necessary insight and intellectual effort to constructively address this dilemma, instead a split occurred between those who wanted ' modernization' badly enough to emulate the West in everything good and bad. And those who were so fearful of the negatives sides that they shunned the whole, even positive sides, of Western developments. They became

introvert, unyielding and stubborn in almost everything they did and said. These are often referred to as the ' traditionalists' or the ' fundamentalists'. These factions took it upon it self to ' rescue' the Muslim woman out of the Western claws!

While the other section, referred to as the ' modernists', usually associated with the ruling elites, made it its duty to ' emancipate' the Muslim women by presenting her with the perfect model to emulate i.e the Western model, further traumatizing the poor Muslim women who were never asked nor consulted but always patronized.

One must however mention that there could be an Islamic element in the veiling concept. The Prophet is reported to have advised a female relative who entered his house in a transparent dress, "when a girl reaches puberty she should to wear decent clothing i.e none transparent and covering leaving this and this" the author says He pointed to his hands and face.(* this Traditions we must point out has been accused of being ' weak' or ' da'if' i.e of questionable authenticity?) (Bukhari). However this very concept of decency (by shari'a standards) is in order for Muslim women to participate in social, economic and political life as individual (and not as sex objects).

The very concept of Khimar or hijab (headscarf or modest dressing) is seen in Islam as a legitimate, a safe, clearly defined framework for women to access public life.

Therefore it can be argued that the very existence of khimar is proof that women have a role in social, economic and political life of society (public sphere) as opposed to the family (or private sphere) indeed women are not asked to cover their hair at home, it is only outside in the presence of strangers, especially men that Muslim women are supposed to be cover. This therefore implies and presupposes the presence of women in such circumstances!

This leads us directly to the problem of segregation. Nowhere in the original sources can we find the basis for the Indian concept of ' Purdah' (even the letter ' p' does not exist in the Arabic alphabet!) nor for segregation of the sexes or the isolation of women from the social sphere. As Mernissi points out most of the customs seem to have entered

the Muslim world much later in history[173] . And yet the plethora of material lecturing Muslim women (rarely, if ever, addressing men) on the way to dress is impressive.

This infringement of basic human rights: the choice of one's own dress is equally matched by secular intolerance. In France, for example young girls have been refused entry to schools and colleges for wearing a headscarf on religious grounds, when this is in direct contradiction of the Constitution and the French acclaimed slogans: "egalite, LIBERTE, fraternite". In this case one may be forgiven to ask where is ' liberty' if one is expelled from college for wearing a headscarf? and where is freedom of belief?

Turkey is another example of this extremism and fundamentalism, young university students are being refused admission in Turkish universities for the mere reason that their looks don't please the authorities, is this a country that claims to support women's rights and freedom?

What gives the state the right to dictate to Muslim women (at the exclusion of all others) a particular dress code? Or do women (especially the Muslim one) have only the ' freedom' to strip but not that to cover? what a strange concept of freedom?

To this day the woman issue has been discussed by men in power, whether conservatives or modernists, the contribution of women to the debate has done little to improve the situation, perhaps because so few are in a position of power.

Also the handful of women who started participating in the debate have also been divided. Just like men their intolerance and disrespect for other people's beliefs, perhaps due to their limited knowledge, makes them inflexible and narrow-minded. Each seems to be concerned with imposing her ideas or ideology instead of calling for tolerance and forbearance, but above all for respect of each woman's decision. Disagreements should be discussed in a civilized and courteous fashion. Each party should be free to propagate their beliefs and people can choose independently the path to adhere to, this is Liberty.

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173 Mernissi, 1991

We have deliberately chosen to tackle these three separate issues together, as they are often confused with one another. It is thus important to define each and every one so as to realize the danger and unfortunate consequences some misunderstandings may hold for women.

Perhaps we ought to start with the very word ' hijab'. This has a double meaning, it can mean screen or to cover. It is often, and quite wrongly used to refer to Muslim women's headscarf for which the word ' khimar' is appropriate, as for the dress it is referred to as ' jilbab' in the Qur'an (IV: al-Nisa).

Whereas it is clear from the Qur'an and the very essence of Islamic ideology that women, like men should behave in a modest, humble and decent manner at all times, it is quite amazing that the particular prescription for Muslim women, who have been advised to cover their bodies in order to go out and safely perform their social duties[174] has been twisted to such a degree, that it became the very excuse used to deny Muslim women a basic human right, that of moving freely in society.

As for the word hijab, while it is not incorrect in describing ' decent dress' but it can induce false concepts, because of its double meaning.

If women are taught that the validity of hijab as a mode of dress, it can also be confused and wrongly lead to accepting the concept of seclusion and segregation as part and parcel of the same package; hence the need to clarify things using terms like khimar or simply headscarf, decent and modest, humble and simple dress as well as reflecting considerate and polite Islamic conduct. The Qur'an refer to women's dress only once (al-Ahzab: 59) however it should be noted that this verse comes immediately after specifying the context: times of insecurity, and conditions: for pious women to be recognized and thus not molested while walking the streets at night or in the early hours for legitimate purposes (i.e to attend the mosque).

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174 *Mernissi, 1991: 187*

It is noteworthy to say that the blame is not put on women walking the streets late at night, for i'sha prayers (evening prayers) and/or at dawn to attend fajr prayer (dawn prayer), indeed while prescribing the wear of loose covering garment (the jilbab) for Muslim women (explicitly addressing all women as well as the prophet's female relatives) for convenience and as a protection, the blame is put entirely on those who thus malign the believing women or men for that matter (Islam recognizes male harassment too), for them great punishment was awaiting (Qur'an XXXIII: 58).

The history of Islam is rich with examples that make this entire idea of segregation of the sexes redundant, we cite but few: (Qur'an XI: 71-73) relating the story of the prophet Abraham's encounter with two men and his wife Sarah being present. Shaff'a bint Abdullah bin Abd Shams was appointed as market supervisor by the Caliph Umar al-Khattab[175] . The prophet Mohammed (pbh) was himself reported to visit, share meal and even take a daytime nap at the houses of Lubaba bint al-Harith, Umm Waraqa, who he allowed to pray at home and lead her, male and female staff, in prayer (according to Abu Daoud). Fatima bint Asad bin Hashim, Umm al-Fadhl bint al-harith, Sahal bint Sa'd al-Ansari...etc were just few of such women[176] .

Traditional values have sometimes been transformed into an excessive and extreme form exceeding the Islamic value. It might be said that this is partly due to the deviation of Muslims from Islam. Moreover, in the development of Islamic jurisprudence or Shari'ah, there would seem to be some factors which have made the role or situation of women more conservative. Particular exegeses (or tafsir) of Islam seem to have been favoured over others to serve particular interests[177] .

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175   Turabi, 1991:25

176   Hasan Turabi, 1991: 26

177   Mernissi, 1991

- THE LACK OF EDUCATION AND QUALIFICATIONS:

Education in its broadest sense has long been recognized as the ' raft to salvation' for the oppressed. In this spirit one may easily understand the Muslim Tradition: "Seek knowledge even if it takes you to China*" (Bukhari) (*In the old days China was perceived as a very far away land). And "knowledge is the lost property of the Muslim, -he should pick it up wherever -he finds it" (Bukhari).

Today too, education is highly valued and even recognized as a basic human right by the United Nations Charter, (article 25). The advantages and benefits, education has on the individual and consequently on society are commonly acknowledged.

Education for women in particular has been recognized by feminists across the board as a condition of their true emancipation and genuine liberation. Here we mean education in its broadest sense, i.e consciousness and awareness and not a mere collection of facts and data, or the ownership of degrees and qualifications; even though the latter are not to be frowned upon as they are extremely useful especially in the search for employment but also in ' raising consciousness'[178] . The reality of the Muslims today however could not be further from the Islamic picture. Medieval Muslim education systems were the most advanced in the world[179] . They were closely supervised by independent teachers, and based upon voluntary attendance, the main aim being the learning and enlightenment of both sexes[180] .

Issues of veiling and seclusion slowly pushed most women away from education and learning. With the exception of the rich and influent families who could educate their

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178   Freeman, 1996: 79.

179   Rozenthal, 1987.

180   Dodge, 1962.

daughters in the privacy of their own home (and could afford paying private tutors) such as the case of Halide Edip in Turkey and a few others in the Muslim world.

One can understand that the sole interest of such uneducated women did rarely stretch beyond the immediate preoccupation with their family. Adding to this the ferocious resistance of most male conservatives to see education made available to women, in Saudi Arabia, for example. Schools for girls were allowed only as recently as 1900, after strong lobbying from Egyptian activists like Zainab al-Ghazzali[181] .

- EMPLOYMENT:

This has often been systematically regarded as a social indicator of women's emancipation. I say systematically because I do not think that female exploitation in factories and other low paid work is a translation of their freedom or the fulfilment of their personhood*. In Germaine Greer's own words[182]:

"I do not find the factory the real heart of civilization or the re-entry of women into industry as the necessary condition of liberation. Unless the concepts of work and play and reward for work change absolutely, women must to provide cheap labour..."

. It is therefore quite shortsighted a policy to view employment as a sine quinone condition to women's liberation. But perhaps one need not be surprised to see such superficial and flawed analysis publicized in a capitalist system, as a deeper, more profound analysis would mean clear strategy from the oppressed majority, i.e unskilled non-qualified women withdrawing their support for the capitalist system[183] . This would be a very unpopular policy indeed and not one to publicize.

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181   Beck & Keddie,1978

182   Greer,1991: 25

These issue has been discussed at length in our chapter entitled: women and capitalist relations of power. Of course the situation is quite different for highly educated women in high-status positions and professional occupations, enjoying good remuneration. For them employment represent financial independence, social status and personal fulfilment, unfortunately this is not the case of most women.

- CONTRACEPTION:

With the rise of the Feminist movement, women started requesting an end to the prejudicial assumption that ' a woman's place is in the home'. They argued that there was no reason for women to limit themselves to marriage and family care as a ' career'[184].

Moreover there was no reason why women should not have equal access to all occupational careers- from academics and professions[185], to science, politics, or anything else. As Tuchman (1975) argues, women had not been involved in central occupational roles in society because their circumscribed role of being wives and mothers had ' systematically prevented' them from entering into such activities, they were usually classified in a manner that set them off from society-at-large: they were ' gifted', ' odd', ' unfeminine', and the like.

Such sanctioning simultaneously served the purposes of warning other women against such activities and re-solidified the traditional definition of gender roles. Consequently, the central issue for the contemporary women's movement in reducing the alienation they feel is to restructure and reform the cultural barriers the prevent women from having

183   Greer, 1991: 25

184   Barrett & Mc Intosh 1982

185   Epstein, 1988

full choice and control over their lives, their bodies and thus birth control and family planning.

Contraception's major consequences was the ' freeing' of women from unnecessary pregnancies, unwanted babies, and many continual chores of child care. This in turn has and will continue to allow women the option to become involved in extra familial concerns, such as work and membership in civic organizations. Simultaneously, it has made women ' potentially available' for social movements. It is a known fact that highly educated women are not very prolific, as they do not see their children as the only positive contribution they can possibly make to this world. It is also evident that in the West, where women have the most opportunities for education, and self-fulfilment that the birthrates has plummeted. Education gives women that little bit of control over their lives and bodies[186] thus generating confidence and self-esteem. Two vital ingredients for emancipation.

The historical evidence is clear that in the past (for lack of convenient contraception) women involved in higher education who became pregnant were likely to discontinue their education, thereby being deprived of the major criterion for high-status occupational employment[187]. Contraception has indeed allowed women to remain in the mainstream of cultural activity as long as it is their choice to do so. As more women remained in the cultural mainstream, they came face-to-face with the sexist biases of many occupations. As they became more highly educated, they also became aware that these biases were arbitrary: that is, they were practices unsubstantiated by conclusive evidence that men were more suited for certain types of occupations than women.

This awareness was a consequence of the spread of first wave social science research results on gender... This information had the effect of ' raising the consciousness' and mobilizing many women regarding the reasons for their situation and made them more

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186   Ridley, 1989: 381

187   Ridley, 1989: 380

impatient for immediate and radical solutions to these conditions. There has been long and tedious debates amongst Muslims as regards the ' legitimacy' of contraception or not. It is very interesting to see that the staunch opponents of contraception in Muslim societies are invariably men.

While Islam makes it clear that abortion is strictly unacceptable it does not say so about contraceptive methods and family planning. In fact some of the Prophet's commented about coitus interruptus: "Do seek women's permission" He said this on answering some men's question as to where they could practice such a contraceptive method; this leads us to believe that he condoned such family planning. Indeed he could have answered not to do it at all if it was a no-go area.

We must make it clear, that once again, the feminist intent here is the full respect of women's enlightened decisions. Consequently, women ought to have the opportunities and necessary knowledge to make their own private decision; women should have easy access to adequate and safe contraception [abortion is not an option as it contravenes the Shari'a or Islamic law which categorically forbids the killing of the unborn (Child or foetus)]. This does not give the authorities (self appointed presidents/sultans nor their religious leaders or so-called ' ulema' i.e scholars) the right to encourage nor discourage women from have the number of children they want, and feel capable of bringing up and educating. The final decision, belongs to the parents, especially the mothers (as it is their bodies and minds that will be affected), and not to politicians, academics or some religious mullahs (all of whom are male).

Here we will take the opportunity to denounce racist and eugenic tendencies in some international agencies all too willing to curb the number of third world children through the extensive use of the infamous contraceptive injection Depo-Provera[188] . Yet actively encouraging their own national birth rate such as France increasing child benefits for

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188 Yuval-Davis & Anthias, 1992:114

families with more than three children; or Britain which justifies Child Benefit as: '
saving the true British race' (Beveridge Report, 1942: 154).

Education, makes women more aware of their rights, and enables them to seek and
properly use contraception. For some poor women it will even awaken them to the fact
that they do not need anyone's permission (nor should they) to control their bodies.
Contraception is indeed an extremely important issue as we demonstrated earlier it
enables women to recover control of their bodies, easing their familial burden, ' freeing'
them to undertake further education, employment and even gives them the chance to
enrol in social activism if they ' choose' to do so. Here again one cannot stress enough
the role of education in the quest of female emancipation.

Chapter 13: THE POWER & SIGNIFICANCE OF INTERPRETATION:

DISTINCTIVE ' TAFSIR' & SELECTIVE APPLICATION OF SHARIA':

- GENERALITIES AND HISTORICAL BACKGROUND:

As mentioned in the above section, Islam has been used to a variety of ends. This is most apparent in the power struggles in the political field, even secular ' modernists' (most of the Muslim countries ruling dictatorships) make "political use of Islam"[189] .

Islam has been used by many to legitimize their delicate position such as non-democratic rulers, others have used it to retain their privileges[190] .

First we ought to recognize the magnitude of this discipline: tafsir or interpretation of the scriptures, which have generated heated debates between philosophers and theologians for centuries. While we do not claim to be either, we still want to show that the Muslim ' ummah would benefit from scholarly interests and debates about the matter (perhaps we ought to have mentioned that these debates have faded with the demise of Muslim Spain and its brilliant scholars. Reformers such as Mohammed Abduh, Jamal al Din al Afghani, and more recently Ali Shariati and Murtaza Mutahari... have tried to revive these sciences[191] . In this section I shall be using a couple of examples to illustrate

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189   *Kandiyoti, 1991: 84*

190   *Taha Husayn, 1969: 150*

191   *Ali Shariati, 1979: 53*

how this science has operated as an important mechanism to generating and perpetuating gender power relations in most Muslim societies.

Indeed it is through this very mechanism that men as a class have exercised power over women, power in Islamic ideology belongs to Allah only, men therefore possess no power, in this we agree with Foucault. Power is not possessed but ' exercised'[192], power is ' incorporated' in numerous practises[193]. For example in the context of Muslim femininity, this has taken the form of writings and publishing specific and particular versions of certain Qur'anic chapters and Traditions, that lead women to dress in a certain way or behave in specific manner.

In this sense power operates by structuring the field of choices, decisions, and practices[194]. Force, therefore, is deemed the antithesis of power, since the essence of power is the ' activated' subject's own sense of agency[195]. And perhaps the actual use of brute force in many Muslim countries to dictate a specific sense of dress (in Iran women have been ' forced' to wear the scarf, whereas in neighbouring Turkey women are being ' forced' to lay off the scarf) are both manifestations of the same injustice done to women i.e stripping them of the right to choose for themselves, yet this very coercive use of force is in itself a clear sign of gradual loss of ' power' and authority. No longer can the ruling elites, the male intelligentsia and clergy ' influence or activate women's own sense of agency, and thus find themselves resorting to brute force, dictates and unjust legislations. Muslim men, in governments as well as in religious institutions seem unaware that, implicit and sometimes explicit in this argument is the notion that control and dominance work more successfully by creating certain possibilities than simply by denying others, this is in my opinion, is power ' thinking' strategically.

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192   Sawicki, 1991:21-4

193   Barrett, 1991:135

194   Hoy, 1986

195   Walby, 1990

However while political power is operating in a crude fashion in most Muslim countries, and is forcing many to think and take a stand, ' social' power has still a proscriptive role, as opposed to its repressive political counterpart. In the West this has been explored by a number of feminist writers, including Smart (1989), in the context of law, Ferguson (1984), in the area of bureaucracy, and Bartky (1988) who explores how power disciplines shapes women's bodies, movement, and expressions.

Two techniques, which find their parallel in the Muslim context, are perceived as key: the ' panopticon' and the ' confessional'. Applied to women, the panopticon is a metaphor for women's internalisation of the view of the ' other' to produce self-monitoring subjects, indeed one can argue that such a mechanism works as a charm in the Muslim context as it is very often the case where it is women (older generation) which keep younger women under control (Mernissi, 1984).Force is rarely required to maintain standards of femininity, for women ensure their own conformity to such norms.

In this section we shall point out how these "Islamic" norms are fabricated and propagated by Muslim men on behalf on Muslim women. This kind of internalization can be differentiated from ideology because it does not necessarily imply a belief in the values or knowledge promulgated by the ' other'. Just as prisoners may not believe in the guards' rules but internalize them anyway, so many women may be disciplined by the other's perceptions irrespective of their own ideological perspectives.

The number of Muslim women who find themselves taking off the ' hijab' while on visit to Europe, and European women wearing a scarf while travelling in some Muslim countries, illustrates this process. *Here perhaps we ought to add that this mechanism seems to work less and less efficiently due to the relentless media assaults on anything Islamic... which has lead to a type of reaction from many Muslims in the West. Because many women feel pressurized by the western media and hence public opinion to take away the scarf many have reacted by keeping it on, again to prove that no one can dictate to them how to dress, not their religious chauvinist Imams nor the Western media or

public opinion. Muslim women like women everywhere, want to be free from pressure, free to make their own decisions in their own time, on their own terms.

Alongside the panopticon is the confessional: the social urge to explain, justify and seek forgiveness for intimate feelings, decisions and actions. Played out in women's magazines and their endless columns of agony aunts' advice, in doctors surgeries, friendship and familial networks (which in Muslim countries are ubiquitous and often a real life line to many women) and counselling sessions, the confessional presents itself as librational antithesis of power -the route to freedom and autonomy- the rather as power's vehicle[196].

Foucauldian feminists who have focused on power's productive properties tend to concentrate on the ways in which regimes construct knowledge, bodies and subjects, rather than on the nature of the power relationship.

While the ways in which power has been conceptualized within Foucauldian feminism as productive and relational are challenging to many traditional orthodoxies and aspirations of women's movement, one must keep in mind that the post-modern feminism using the Foucauldian framework is in itself an unstable paradigm in constant flux[197]. and any accord or disagreement with it is temporary and contingent.

We do agree, to an extent only, with Foucauldian feminism that power entails an ' upside down' pyramid analysis. Sawicki makes this point[198] , arguing that power does not originate from a single source such as the sovereign or law, but runs throughout the capillaries of society.

Therefore, to understand how it operates, it is important to analyze power relations at their most micro level. While this seems an adequate proposition, the reality around us

196   Phelan, 1982.

197   Walby, 1990.

198   Sawicki, 1991:21.

seems to point to a parallel explanation, power generated and maintained by institutions... Here again, I do not favour one explanation over the other but suggest that both explanations are rights and work in concomitance.

We shall show that ' tafsir' is one (meaningful in a society where Islam is the dominant ideology/philosophy) of those mechanisms used to generate ' knowledge' and disciplinary power, i.e the ability of social structures to shape roles, expectations and behaviour, thus an impression is created of femininity as voluntary, natural and sensible[199] .

- THE SCIENCE OF TAFSIR AND ITS ROLE AND SIGNIFICANCE IN THE MUSLIM CONTEXT.

Tafsir (pl. Tafasir) literally means explanation or commentary, it is a term usually applied to commentaries of scientific and philosophical works, as an alternative to ' sharh' which were usually explanations of philosophical texts other than religious. In Islam the word means particularly the commentaries on the Qur'an and the science of interpreting the sacred book[200] .

This branch of learning, entitled ' ilm al-Qur'an wa'l tafsir, is a special and important branch of knowledge and is taught in the madrasas and universities. Included under the heading of tafsir are a few general works on the Qur'an, but the majority are continuous commentaries, in which the text of the sacred book is explained phrase by phrase, and

199 Ahmed ; 1982 ; Aroua, 1990.

200 Gibb & Kramers, 1981: 558

sometimes even word by word. Of the many such commentaries the most famous are those of Tabari, Zamakhshari, al-Razi etc...

The science of tafsir date from the beginnings of Islam. Originally the term ta'wil was synonymous with tafsir, in course of time, however, it became the technical term for the material interpretation of the Qur'an, relating its content to the precise context the verse was revealed in, whereas tafsir was applied rather to the external philological exegesis.

From the very early period of Islam several schools of thought, saw in ta'wil a means by which the text of the Qur'anic revelation could be brought into agreement with their own tenet[201]. This mechanism has therefore long been used and recognized, it has a very long tradition in the Muslim history.

INTRODUCTION TO ISLAMIC LAW

I want to make it very clear that my argument here is very much a methodological critique of tafsir. I would like to demonstrate how the same Qur'anic verse (ayah) or Tradition (hadith) can be read and interpreted differently by different persons (invariably men) and may result in rather antithetical conclusions.

Since our concern here is the welfare of women we shall naturally be focusing on an example that could have been interpreted for the advantage of women but instead was diverted to do just the opposite, by use of a distinctive ' methodology'.

This is exactly why the ' tafsir' issue is extremely important in a Muslim context, not only it has been a crucial mechanism used by men to reinforce and maintain their privileged position in the Muslim society, but it is also equally available to women to use to benefit and enhance their often secondary position in society.

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201 Gibb, Kramers, 1981

Before engaging in this demonstration, we should perhaps give a quick but necessary review of the sources of Islamic law, pointing out all along the male-centred bias in the development of Sharia'. In contrast to polytheist pre-Islamic Arabia, the Muslim religious experience revolves around the central concept of Allah (Unique God). The person's duty is thus obedience and submission to the Will of God: i.e Islam. This state of Islam is not a passive one, indeed the Qur'an declares the person to be Allah's viceregent on earth (II: 30), to which a Divine trust has be assigned (XXXIII: 72); it is on the basis of how the Muslim individual discharges this vice-regency (khilafat or caliphate) that s/he will be either rewarded or punished (VI:165).

In order to perform this ' religious' duty a Muslim is inspired by the Qur'an, the Sunnah of the prophet i.e the prophet's behaviour and sayings and the early community of Muslims.

However, since the Qur'an is not a law book, and since the prophet was no longer alive, the early caliph (rulers of the Muslim community or ummah), and later, during the Umayyad rule (661-750), the Qadis or judges assumed the responsibility of rendering legal decisions; from the very beginning these jurists seem to have all been men, and they quickly saw to it that women would not access the profession, as some decreed women, by virtue of their anatomy, to be unfit for such duties (an argument reminiscent of modern racism and eugenics ideologies).

In the eighth century, due to the growing dissatisfaction of the people with the Omayyad rule and the belief that its courts had failed to implement the spirit of Qur'anic justice, early schools of law or madhahib (pl of madhab) emerged in many cities such as Medina, Baghdad, Mecca...

These law schools originally consisted of pious men (it is not known if any women did founded such law schools) who attracted followers, these schools became known by their respective leaders or Imams' names: the Shafi'i school named after Imam Muhammad ibn Idris al-Shafi'i (820), the Hanafi school, after Imam abu Hanifa (767),

the Hanbali school after Ahmed ibn Hanbal (855) and the Maliki school after Malik ibn Anas (796) have survived the passing of time.

The Ja'ffari school developed almost independently amongst the Shi'a section of early Muslims, those who supported the fourth caliph Ali and opposed the hereditary rule from its ill inception. This of course does not mean that all the people who came to be known as Sunni accept let alone condoned this usurpation of power by dynasties such as the Omayyad... but many saw it as a lesser evil, the alternative being civil war; in their wisdom no mundane position justified bloodshed, they thus resigned themselves to reluctantly accept the hereditary rule of the corrupt Omayyad and their successors. The Shi'a refused to do so, hence they appellation the shia' of Ali, the party or partisan of Ali.

Muhammad ibn Idris al Shafi'i, the father of Islamic jurisprudence sought to systematize the methodology of the law schools and thus limit the ever growing diversity; which at times caused conflicts between different judges and legislators. Shafi'i was very critical of two schools of legal thoughts, the (ahl al-ray) who relied too heavily on the free use of reasoned opinions, and the traditionist or (ahl al-hadith) who relied solely upon the Qur'an and Sunnah of the Prophet as the only valid sources of legal doctrine. Shafi'i limited the sources of law to four (usul al-fiqh), thus establishing a common methodology to all four schools; by the ninth century, classical theory of law was fixed to: the Qur'an, the Sunnah of the Prophet, the analogical reasoning or (ilm al-qiyas) and the consensus or (ilm al-ijma').

- THE QUR'AN:
Accepted by Muslims as the literal word of Allah and the first source of Islamic values. ' Here is a plain statement to people, a guidance and instruction to those who fear Allah' (Qur'an III: 138).

The Qur'an contains but eight injunctions or prescriptions about matters that would rank as legal in the strict, narrow sense of the term. The bulk of the Qur'an consists mainly of broad, general moral directives as to what the aims and aspirations of Muslims

should be, the ' ought' of Islamic ethics. Indeed almost everything depends on the person's free choice, sincerity and honesty of intention; these are the true essence of Islam, while the law the Sharia' is more of a practicality, essential to the smooth running and regulation of the communal life, in which individual Muslim can operate at ease and flourish.

The verses of the Qur'an dealing with the law as such came very gradually during the Medina period of revelation, progressively replacing existing customs that did not meet Islamic standards, such as the prohibition of infanticide, liquor and gambling...(II:129) later (IV:43) than (V:49). The main reforms of customary law were made to improve the rights of women in marriage, inheritance and divorce. Transforming the marriage into a legal contract in which the wife becomes a legal partner, and receiver of wealth (or bridal gift) these are clear injunctions in the Qur'an which we shall mention in detail later.

Inheritance too was dramatically transformed under Islam. Succession in tribal customary law had been solely based on an agnatic system (asaba i.e kinship and thus inheritance to male relatives through male descent). Islam modified this system by introducing the primacy of distribution of fixed shares to several categories of heirs comprising of female relatives.

- THE SUNNAH OF THE PROPHET:
The second source of Sharia' is the Sunnah of the Prophet. Sunnah is the normative model of behaviour of the Prophet. The importance of Sunnah is rooted in the Quranic command to obey and follow Muhammad (IV: 59) as well as in (XXXIII:21).

Technically the Traditions of the Prophet or His Sunnah is divided in three categories:

- al-sunnah al-qawliya, the Prophet's sayings.

- al-sunnah al-fi'liya, i.e his deeds and actions.

- al-sunnah al-taqririya, his approval of certain actions.

The records of the Prophet's deeds and sayings is referred to as (hadith) collected and transmitted by six main authors all of whom were men. The science of hadith is a fascinating one, one which Muslim women ought to get familiar with if they are to stop many fabrications from reaching the level of ' authenticity', and which are so harmful to women welfare in those societies and communities. This shall be the subject of the last part of this chapter.

- QIYAS:

The third source of law, is qiyas or analogical reasoning. It is establishing the relevance of a ruling in one case to another case because of similarity in the attribute (reason or cause) upon which the ruling was based (Shihab al-din al-Qarafi, 1285).

The key to the use of qiyas is the finding of a reason or effective cause (Illa) for a Sharia° rule.

- IJMA:

The fourth source of law, ijma is the unanimous agreement of the jurists on a particular issue, this of course can vary with time and place. Ijma derived its authority as a source of law from the Hadith that records the Prophet's saying: ' My community will never agree on an error'. This practice developed after the Prophet's death, as there was no need for it before. It was a natural process, after the death of the Prophet, for solving problems and making decisions, depending upon the approval of majority opinion as against (ijtihad) or individual fallible reasoning.

Two types of ijma can be distinguished. The ijma° al-ummah i.e the consensus of the entire community, this is used in matters of general concern such as the annual pilgrimage to Mecca.

The second is the ijma° al-a immah, consensus of the imams or religious scholars interpretations and exegesis of verses of the Qur'an and the consequent development of legal principles. This type of ijma° has contributed significantly to the body of Islamic

laws., it is in fact the sum of the scholar's own ijtihad. Three of the Sunni schools of law developed and utilized subsidiary legal methods in order to guaranty justice and equity, these are istihsan, istislah and istihbab.[202]

- ILLUSTRATION OF HOW SUCH A MECHANISM MAY OPERATE TO THE DETRIMENT OF WOMEN'S RIGHTS: A TRADITION OF MISOGYNY.

One can read among al-Bukhari's ' authentic' hadith the following one: "Three things bring bad luck: house, woman, and horse."[203]

Here many intriguing factors can be pointed out. First, and against the norms established by Al-Bukhari himself, other versions of this hadith are not given. Although it is the rule to give one or more contradictory versions in order to show readers conflicting points of view, and thus permit them to decide for themselves about practices that were the subject of dispute[204]. Yet, there is no trace in al-Bukhari of Aisha's (the Prophet's wife and a famous and eminent scholar of hadith) refutation of this hadith[205].

Imam Zarkashi, however records this incident as follows: They told Aisha the Abu Hurayra was asserting that the Messenger of God said: "Three things bring bad luck: house, woman, and horse". Aisha responded: "Abu Hurayra learned his lessons very badly. He came into our house when the Prophet was in the middle of a sentence. He only heard the end of it. What the Prophet said was: "May Allah refute the Jews; for they say three things bring bad luck: house, woman, and horse."[206].

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202 *for further reading see Doi, 1984: 70.*

203 *Bukhari, Sahih, vol I: 199 - al-Bukhari, we must mention is one of the six main recognized and accepted sources of authentic hadith all over the Muslim world.*

204 *Shariati, 1981; Gibb, Kramers, 1981*

205 *Mernissi, 1991:76*

To come back to al-Bukhari's "Sahih" (or ' authentic' text widely accepted and used in today Muslim circles), not only did he not include this obvious and valid* correction (valid in Islamic jurisprudence, as Aisha is a famous scholars of hadith, taught and sanctioned by the Prophet himself [207] but al-Bukhari treated the hadith as if there was no question about it, he cited it three times, each time with a different transmission chain. This procedure generally strengthens a hadith (Tradition) and gives the impression of consensus concerning it.

Worse yet, al-Bukhari follows this peculiar hadith with another along the same line, reflecting the same vision of "womanhood" as a pole of destruction as bad luck: "The prophet said: ' I do not leave after me any cause of trouble more fatal to man than woman'.

-DIFFERENT AGENDAS AT WORK: SECOND ILLUSTRATION.

A book appeared in late 1994, about Yusuf Ali, the translator of the ubiquitous English version of the holy Qur'an. A book depicting Ali's life under the Raj, in which he faithfully served his English masters, indeed ali is described as a pillar of the empire... Not exactly the image of a proud freedom fighter, or a person who displayed any self-respect not even a shred of independent thinking, but a servile figure who internalized his colonization to the deepest of his consciousness and only ' turned' Islamic in middle age. What is interesting to note here is not Ali in himself but the fact that only his translation benefit from such an extensive funding from Arab oil money. W Whereas translation undertook by native speakers such as the Englishman Marmeduke Pickthall are never ever subsidized nor available in any mosque, an eminent scholar and a sincere and genuine early convert to Islam. Ali, we must point out was not a native

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206   Imam Zarkashi, al-Ijaba: 113

207   Zarkashi: 31

speaker of either Arabic (original language of the Qur'an) nor English (his masters' language) but a native Indian, nor did he have any qualifications in theology or Islamic ideology, Ali was a civil servant to the Raj.

Why is it than that such a mediocre work has become dominant in British Muslim culture due to heavy and consistent subsidies as oppose to other more true to the original? One explanation may be is that Ali seems to suffer, a part from an inferiority complex as regard to the dominant West which he admired and faithfully served, a deep seated sexism. Indeed he constantly alters the original scriptures, for example he translates al-nass as men when anyone with minimum knowledge of arabic would know that it really means people.

Such fundamental mistakes, apart from reflecting the author's own sexism and prejudices against women (as his translation effectively sends half the Muslim community into oblivion, seriously alter the meaning of ALLAH's words, from addressing everyone in the community, they are transformed to address males only, thus absolving all women from whatever the Qur'anic verse may command. Ali, thus sets himself above ALLAH, superseding divine commands.

It is interesting that those who find in Ali's translation their own prejudices reflected especially their sexism and chauvinism display strong inclination to his work above all others, and materially supporting it to the point of transforming it into the dominant and authoritative translation of the holy Qur'an. the only widely available translation read by all english speaking Muslims who often do not speak a word of arabic and thus have no mean to check the translation, on which they heavily rely on of their most basic and fundamental beliefs, no wonder really that women's rights do not seem to find an audience within the Western Muslim communities (which are not usually anti-women, but are soon taught this bias as part and parcel of the Islamic faith) either. It take a long time to discover such deeply entrenched sexism, let alone rebel against it. This case has been a lesson to Muslims every where who now wonder what other hidden agendas are at work that we are oblivious to?

Towing the line of Islam in many ways saves us from problems, for example early Muslims always demanded to know from their authors, character references and need to see that a person practised what they preached. We have forgotten the early wisdom and thus fallen prey to mediocrity and second-rates "scholars" are thriving in this new atmosphere.

Chapter 14: CONCLUSION:

I hope this work has come to some important conclusions as regards furthering the cause of women in Muslim societies and communities. I also hope to have dispelled the myth that feminism is an extremist movement made of vociferous anti-men, anti-family, anti-marriage... and also to have dispelled the myth that Islam is inherently anti-women. I have, step by step, analyzed and scrutinized Feminism as a new academic discipline and demonstrated that recent Feminist theory has a lot to offer all women and many men too. And is therefore very reconciliatory to different women, as well as to male-female relations.

Post-modern feminism and Feminist Standpoint Theories offer valuable theoretical frameworks for women the world over to articulate their problems and thus help formulate adequate solutions. I also hope to have demonstrated that modern day feminism (revised or unitary feminism) is far from conflicting with Islam and in fact the two paradigms may have many elements in common and a lot to offer eachother. Perhaps a fresh and enlightened feminist approach to Muslim women's issues, inpart will help bridge the gap that has so far caused feminism to be rejected and at times fought against in Muslim countries.

The second important conclusion we have come to is that no science is entirely objective, many scholars of hadith, translators and theologians sometimes let their own prejudices (chauvanism) and biased opinions transpire in their ' academic' works, especially those related to women.

Ultimatley, the only way that this particular problem will ever be overcome is for female Muslim scholars to undertake a systematic review of issues concerning the rights of women in Muslim countries. There is nothing in Islam that precludes women fuqaha' (jurists) from learning or teaching. In fact Islam lays very great stress on learning for all Muslims, male and female, and on the teaching of acquired knowledge or understanding. There are even famous precedents for authoritative, female legal scholars. Many a pupil sat at the feet of Aisha and other wives of the Prophet, not only to hear them relate stories concerning the Prophet's life or his sayings, but also to enquire of their opinions and interpretations of certain problems.

Within the Ja'fari school of law, it is recognized that women can achieve the status of Marja'e. That is they can achieve such a state of learning that they need follow no school of law but can follow their own opinions. However whereas male Marja'e can then have their own school of followers, female Marja'e can only follow themselves and not have others follow them.

This restriction on having followers does not seem to have any reasonable basis in Islamic law and clearly it would be an objective for Muslim women who follow the Ja'fari school of law to fight this restriction thereby enabling them to follow the interpretations and legal opinions of a woman scholar. The impact of this one move would have a more profound effect on enhancing the situation of Muslim women than a thousand years of external, "foreign feminism". A similar situation holds true for all the schools of law within Islam, not just Ja'fari.!208□

Such a task I am sure will be met with considerable obstacles and hinderance, but it will also be a thrilling and exciting project with immense consequences and salvation for millions of women all over the Muslim world and beyond.

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208   *Although the impact within the Ja'fari school may well be greater because of the greater authority afforded to the Marja', than to the Aalim.*

The answer then to the problem of the double Whammy[209] that faces Muslim women would be two-fold: firstly that feminism exorcise itself of the skeltons of Eurocentrism, racism and orientalism, and look at Islam not as the enemy but as a belief-sytem that unequivocably seeks the betterment of the human condition, and therefore as a potential partner in the betterment of women's condition as one aspect of that. In the process feminism may even learn from the value system and ontological frameworks that Islam has to offer and better itself by that. Secondly, that probably the most effective way for Muslim women to achieve true and lasting enhancement of their situation is to use the very source material that backward-looking fundamentalists use and manipulate, and turn this back on them in a way that they would fence them in by their own value sytem, i.e. to use Islamic shari'a as the tool for the attainment of their proper rights.

Of course the development of feminist thought we are outlining here is not just confined to offering a hopeful future for Muslim women, it has similar potential in our country too. And such an effect seems to slowly be taking place amongst academics in various fields of knowledge all over the Western world as they broaden their horizons to absorb new and better values in feminism. This will in time filter through to less select communities building support for the aims and purpose of Feminism that's becoming day-by-day closer to being defined not merely justice for women but indeed social justice for all, aiming at the eradication of oppression and discrimination everywhere.

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209   That of a foreign, inappropriate, radical feminism and a local but reactionary and patriarchal fundamentalist resurgence.

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