

The Silent Revolution. Family Laws, an Insurmountable Wall for Gender Equality

Maria Dolors Massana. Journalist and writer, President of Reporters Without Frontiers

“We want rights equal to men’s.” This is the stifled cry of thousands of Muslim women who privately and, when they have the opportunity, publicly, make the world aware of their protest. A cry that is increasingly heard and with more force. They are voices that hit the pages of the newspapers and magazines, even openly. As in the case of the Egyptian professor Nawal El Saadawi or the Algerian Salima Ghezali. Or of so many other women who have achieved a distinguished name thanks to their struggle against so many injustices, of which the inferiority of women versus men is another in their countries.

Women’s demands are spreading like wildfire and are now being heard in places far from those in which, unfortunately, even today few, and therefore privileged, women in this world have access to university studies. It is in the streets. It has even reached our country recently, as in the case of the International Congress on Islamic Feminism held in Barcelona on 24th October 2005. This was not a unique event. There have been other forums in Beijing, Istanbul, Damascus and even Cordoba in 2002. In fact, this movement started growing in the 1990s, following the movement of Iranian women that took place in the former Persian republic, after a long decade since the

instauration of the *sharia* by the theocratic republic, founded by Imam Khomeini in 1979, given that for the hallatollas gender equality is directly against Islam and is a western concept.

“We want rights equal to men’s.” This is the stifled cry of thousands of Muslim women

As we said, in the mid-1990s, the theocratic regime started to realise that it had failed in its attempt to control the students, the artists, the secular intellectuals and, of course, women. The resistance kept growing, especially among the academic feminist movements although with decision-making highly divided between two alternatives: Islamic feminism and western feminism. According to the Iranian Shahrzad Mojab, Professor at the University of Toronto (Canada), some supporters of the first way compare it to what in the West was the “Liberation Theory”. In the words of Mojab, many “academic and feminist activists maintain the thesis that the experience of the Iranian Islamic Republic has shown that Islamic theocracy, in fact, strengthens the traditional patriarchal system.” In the midst of the 21st century there is no explanation for

the fact that in Iran (with such striking contradictions as having women deputies in the Parliament) or in Saudi Arabia, Nigeria and in other Muslim countries adulterous women are still being stoned to death as at the time of Christ – while men only receive four lashes – and the so-called “crimes of honour” are not punished when it is considered that a woman has dishonoured her family. If we bear these facts in mind, the so-called “Islamic feminism” would only justify unequal gender relations, to put it mildly.

In the midst of the 21st century there is no explanation for the fact that in Iran or in Saudi Arabia, Nigeria and in other Muslim countries adulterous women are still being stoned to death

I focus on the feminist movement in Iran because in this country there are specific conditions such as some generations of women who happened to know a despotic, tyrannical and socially unjust regime such as that of the Shah, but at the same time secular and officially open in terms of the life of women, living together with others that have only known the imposition of the *sharia* or Islamic law in terms of its severe restrictions for the status of women in relation to family customs or traditions and social rights. This circumstance also existed, although to a lesser extent, in Turkey and Tunisia thanks to the secularising revolutions of Kemal Atatürk and Habib Bourguiba, or in Algeria where the war of independence from France joined in the fight against the coloniser men and women without gender distinctions, after 132 long years of western culturization of the upper classes of society. Nevertheless, the marks left by these events in these places did not involve such a brutal loss of freedom as that of Iranian women with the arrival of the Khomeini revolution. In fact, those who had

it worst were the Algerian women who suffered a strong backward movement. Firstly, by their own comrades in the struggle, the mujaheddins of the National Liberation Front, who locked them up again in the home with the instauration of a very restrictive family law. Recently, since 1990 with the wave of Islamic fundamentalism unleashed by the electoral victory of the Islamic Salvation Front of Sheik Abassi Madani, declared illegal following a coup by the corrupt and discredited Algerian military leadership.

This is why I have always maintained that the next feminist revolution will come from the hands of these Iranian women, who are already very engaged in the intellectual movement and activist organisations that fight for a reinterpretation of the history of Islam to extract the most egalitarian, almost emancipating, aspects (in their time, in the 7th century) of the Koran, against the kidnapping of this spirit by the leaders of some societies anchored in the most misogynistic customs and traditions of the Late Middle Ages.

These women, who also have a good knowledge of the Koran, call for the right to think independently and to re-interpret both the *ijtihad* or tradition and the *sharia* or Islamic law. The growth of feminists with reforming ideas in Iran makes us believe that the revolution of the Ayatollahs has indeed led to the strong emergence of the awareness of gender among women in the Muslim world.

The dichotomy that, in general, Muslim women experience, between traditions imposed from the cradle by their mothers, aunts and grandmothers, and the modernity they find in university, in the street, cinema, television, Internet, etc. becomes a very tough task, especially for those who have made religion the *raison d'être* of their lives.

Family laws – real civil codes of these societies that govern the life of the good Muslim from birth to grave – do not in fact reflect the

principles of the Koran that promise justice for women and children. For instance, the holy book prohibited the murder of newborn girls; it established the right to inheritance of the mother, daughter and widow – completely unprotected until then – although this right only recognises their right to half of what would correspond to the male, although it maintains the right of men to polygamy, the *jul* matrimony and to “punish” their wives (but not kill them) if they do not behave in accordance with tradition. These codes, which take different names in each place (family law in Algeria, *mudawana* in Morocco, *majalla* in Tunisia), are subject to discussion in all the women’s associations in the Maghreb and in other Middle East countries.

In Algeria, which has the most restrictive family code in the whole of North Africa, discrimination by gender is striking in terms of marriage or divorce, the custody of children, the duty to “obey” the husband above all and, as in the past, the father and brothers and later the brother-in-law or the son. These are rules that turn the woman into a being under age throughout her life.

The same happens in Morocco, although less so since Mohammed VI modified by royal decree the *mudawana* in aspects such as raising the age limit when girls can be married by their families, eliminating the figure of the “tutor” necessary for the matrimonial engagement, or easing the conditions of divorce. Nevertheless, when the cases reach the courts, they clash with an almost unsurpassable wall of “male judges” who conserve their retrograde mentalities and who make a totally restrictive usage in the application of these new laws that favour women in some aspects. The latest advance promoted by the government in May has been the “ordinance” – against traditions rather than Islam – of fifty women as *mourchidates* or preachers who will be able to offer religious services but not to lead

prayer on Friday, the holy day for Muslims. This is part of the fight of Mohamed VI, a young monarch more open than his father, Hassan II, against Islamic extremisms, but in general, in the name of the right to difference and respect for the *sharia* the countries of Muslim faith continue to maintain the woman discriminated against and submitted to man.

When the cases reach the courts, they clash with an almost unsurpassable wall of “male judges” who make a totally restrictive usage in the application of these new laws that favour women in some aspects

This said, it is evident that neither all women who wear jeans and t-shirts are liberated nor all those who cover themselves with the *hijab* or the chador are oppressed women. Many do so freely, as a symbol of an identity which is often despised (I am referring to women living in the West) and in their countries of origin out of personal convictions as respectable as any other. It is perhaps difficult for us, women who regard themselves to be emancipated but in reality are not, or at least not as much as we believe, to understand that it is not possible to make a reduccionist interpretation of the status of the Muslim woman. The application of Islam is plural and different depending on each place. For instance, it is impossible to compare the situation of women in Saudi Arabia, where they cannot even drive, with those of Pakistan, a strictly Muslim country, which has had a woman as Prime Minister (Benazir Butho) twice. However, in both countries the so-called “crimes of honour” against women continue to enjoy impunity in the courts that should judge them and, even worse, because these kinds of crimes are never reported given that they take place within the family.

Modernity is Knocking at the Door

In Morocco there are over ten women's associations that fight for gender equality, independent or associated with determined political parties. In Algeria the number is similar. And also in Tunisia, despite being the country with the most open law in this sense of the Arab countries. The Algerian writer and journalist Salima Ghezali states: "The family code damages women and society." But she adds: "The emancipation of Muslim women must come from Islam." In her turn, Nadia Yassin, spokeswoman of the Moroccan Islamist movement Justice and Spirituality, does not restrain herself when affirming: "The submission of the woman to man is a universal phenomenon, very well camouflaged in some cultures and extreme in others such as the Mediterranean." She also says that Islam has given rights to both men and women, adding immediately, of course, "respecting differences."

Then, a question arises: is a tolerant and modern Islam possible? In the words of Nawal El Saadawi, the reputed Egyptian psychiatrist and writer: "No, as long as the veil is not removed from the minds of men... and of women." For El Saadawi, "Muslim women mainly need access to education and information." "Awakening the mind" is in fact the slogan of the Association of Arab Women that she founded in 1999, which was made illegal after a few months by the President of the Egyptian Government Hosni Mubarak.

A Tolerant Islam or a Secular Feminism?

Islamic feminism as an alternative to western feminism? It is true that this concept was born in the western world but also that it has entered strongly within some societies in which the emancipation of women clashes not with

the aforementioned principles of Islam but rather with the biased interpretation made of these principles by the political and religious leaders of these patriarchal societies, anchored in ancient or even ancestral traditions, as if time had stopped there, in the sand of the desert which saw the birth of Mohamed.

Throughout the Islamic world, in Malaysia, in Pakistan, in Indonesia, in Nigeria, in the whole Middle East and especially in the Maghreb, liberal feminists are increasingly addressing their efforts towards civic associations. This movement of women is tending to unite the "secular" and the "Islamic" feminisms. According to Fatima Sadiqi, Professor at the University of Fès and founder of the Centre of Research on Women, "the movement of women in Morocco, which now encompasses the secular and the religious communities, is an example of the power of social thought in a traditional community."

I think that the slogan of the Muslim feminist movement in the West, "my body belongs to me", is a concept worthy of reflection by all women worldwide

Unfortunately, violence against women happens worldwide (we should not forget the murders resulting from domestic violence that we suffer close to home) and is linked to a patriarchal conception so rooted after centuries and centuries of interpretations "à la carte" that the three monotheist religions have made of the holy text and tradition.

Luckily, the Islamic and secular feminists exchange and debate ideas throughout the world via the prodigious tool that Internet is and also with an active women's press. The separation between religion and politics is still the bone of contention of secular feminists within the Muslim world.

A reflection by Professor Nadia Naïr, from the University of Abdelmalek Essaadi in

Tangiers, would perhaps explain this dichotomy a little. With reference to the controversy provoked in France by the obligatory veiling of girls at school, she recently stated that the body of a woman is seen on both sides of the Mediterranean as an object of desire given that in the south it is concealed while in the north it is exhibited shamelessly. "The woman's body," says Nadia, "is the battlefield where the two trends fight: a traditionalist or conservative vision and another modernist. I think that the slogan of the Muslim feminist movement in the West, "my body belongs to me", is a concept worthy of reflection by all women worldwide." This same spirit is rooted in the Islamic feminist organisations such as Women under Muslim Laws, with headquarters in Africa, the Mid-

dle East or in Asia, the United States and Europe, which define themselves as groups of solidarity. The plural "under Muslim laws" illustrates the different situations that women experience according to the Islamic country to which they belong, as I noted at the beginning. Knowing the different interpretations that laws make of their religion would allow them to break with certain practices, presented as traditional and accepted with an inexcusable fatality.

I truly believe that Muslim intellectual women, with studies and above all integrated into the labour world, will be able to help re-interpret the Koran and change Islamic laws in order to achieve modern Muslim societies in which gender equality does not offend and is accepted as an inalienable human right.

