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Shattering the Myth

ISLAM BEYOND VIOLENCE

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CHAPTER 5

The Double Bind Revisited

A RECENT study of the multiple writings of Frantz Fanon made clear the importance of gender for Fanon's critique of both colonial and postcolonial Afro-Asian societies. It was Fanon's goal, never fully realized, that a new social order—at once more generous and more equal toward all its citizens—should emerge in the aftermath of colonial rule. Though far from consistent, Fanon seemed to grope toward a criterion for authentic humanism that would "take the condition of woman as a mark of the degree to which human beings in a determinate place and time have truly come into their own."[1]

By Fanon's criterion, both fundamentalists and the praetorian, neocolonialist state have failed. Both conspire to keep Muslim women in a condition of marginality. Like other Asian and African women, most Muslim women still enjoy neither the educational nor professional opportunities available to their fathers and brothers, husbands and sons. And while much more information now exists about the variety of circumstances that characterize the lives of Muslim women, the information widens rather than reduces the sense of oppression they face. Some thought that the state would in time reduce the hold of religious tradition falsely arrayed against female Muslims, but in fact, as Hisham Sharabi has shown, the modern state has itself fallen sway to neopatriarchal norms.[2] Even when literacy is dramatically improved, as in the case of Iraq, the public role of women does not change significantly.

The largest single factor handicapping women in the Muslim world is the same that inhibits men: the underdevelopment of economic opportunities for their respective nations within the current "new world order." It is not the sole factor, nor has its impact gone unchallenged, yet to begin to understand the range of options available to Muslim women, one must recognize what is not available to them: the bourgeois lifestyle that presupposes a public sphere of opportunity for both men and women with market access to resources for education and employment, communication

and consumption. Such resources are not available to most Afro-Asian Muslims, either men or women, and while the frank acknowledgment of their absence may lead some to an economic determinist reading of the Muslim world, it may, and should, lead others to frame a realistic assessment of local options and future possibilities.

Since there is a limited middle class in most Muslim countries, economic inequalities still situate a few landed or mercantile rich above masses of urban and rural poor. The army remains one of the principal avenues to social and economic advancement, provided one also has the right tribal or sectarian markings to evoke trust from the ruling elite of one's country. Educational restrictions are severe. Not only are there too few universities and too many applicants, but there is also the absence of high tech institutions of quality, with the result that the few who are rich (the 8 out of 100 who can qualify for credit cards) send their children abroad. Alternatively, foreign nationals from abroad are hired to perform the functions that indigenous professionals do not know because they cannot learn them locally.

Gender asymmetry becomes reinforced by such structural limitations. While tradition may be invoked to deny women entrance into the public job market, it is in fact the prevalence of unemployed or underemployed men vying with one another for scarce jobs that ensures the continued exclusion or curtailment of Muslim women from employment in the industrial or modern sector of their respective countries.

The double bind becomes triple: being Muslim, being female, being economically marginal, would seem to exclude all but the most desparate options. Yet women's voices do register in protest against the present system. Literate women protest in writing; their illiterate sisters are spoken for by others. These are the voices to which we should be listening. Many tell a story of violence on several levels. Cognitive violence is to ignore, social violence is to reduce, the marginalized or feared group; these same women suffer a physical violence the pain of which cannot be glossed as "mere" cultural difference. Where there is resistance, challenge, and change, it needs to be highlighted, but first it must be located.

An example from Egypt illustrates the dimensions of the dilemma facing responsible scholarship on Muslim women. Few monographs have explored the ambiguous stance of veiled working women as well as Arlene MacLeod's, *Accomodating Protest: Working Women, the New Veiling, and Change in Cairo.*[3] MacLeod's Foucauldian study of middle-class women in Cairo reveals that the *muhaggabat*, or veiled women, resist through accommodation as well as protest. They do so by exhibiting that contradictory consciousness to which Gramsci drew attention: working in low-level government positions, they are responding to economic pressures that necessitate as many incomes as possible, at the same time that they are able to express Islamic loyalty through dress code. They do give religious meaning to the veil that they adopt, argues McLeod, but to the degree that their veiling remains instrumental—providing, as it does, the pretext for their being allowed by conservative relatives and friends to work—they will be alert to ways that they may oppose, rather than merely being preempted by, the increasingly Islamist tone of modern-day Cairo.

Unlike MacLeod's nuanced analysis, the public story of Muslim female fundamentalism is most often told by charting the women's groups that appear alongside men's. The very telling of the story presumes (a) that female fundamentalists share the same social and political agenda of their male counterparts and (b) that women participate in defining the public agenda for protest. Neither presumption is correct. Female fundamentalists are, by definition, concerned with private rather than public issues: the home and not the headlines motivate them. For that very reason we will rarely see the diary of a female Muslim fundamentalist; whatever she thinks and feels and hopes for is best voiced by male fundamentalists.[4] Even when women do join in public gatherings, whether to sport rifles or to shout slogans, their presence, and one imagines also their performance, is choreographed by men. The myth of the independent, voluntary female fundamentalist has no factual basis. Men create a space for representative women, and these women are representative precisely because men select and direct them to the purposes that they, the men, favor. Fundamentalists insist that women by nature are weaker than men, mentally as well as physically, and yet since women are also possessed of the ability to distract men, the Islamist mandate is to create and maintain separate public spheres. As the French political theorist Olivier Roy has observed, the true taboo for fundamentalists is coeducation (*ikhtilat*): women's track for learning must remain separate from men's.[5]

In what follows I will try to soften the male fixation that characterizes most studies of Islamic fundamentalism. I will look not at the manipulated women counterparts to male fundamentalists, but at the role or roles that women seek in Muslim nation-states. I will also try to assess how those roles have changed in three representative Muslim nation-states: Iran, Egypt, and Pakistan.

The choice of these three as "representative" Muslim states reflects their frequent citation in all studies that claim to grapple with Islamic values. They also touch disparate geographic regions of the vast Muslim world. Iran is both Middle Eastern and Asian, Egypt is both Middle Eastern and African, while Pakistan is South Asian, reflecting the nexus between Central Asia and the Indian subcontinent. More important, all three have had to come to terms with the commercial expansion of Western Europe and the United States, and to a considerable extent they share structural features that handicap them vis-à-vis the existing transnational order shaped by global capitalism.

In pursuing the changing circumstance of Muslim women, one could pick other countries than Iran, Egypt, and Pakistan, yet the combined geographic diversity and socioeconomic commonality they represent will at least suggest insight into patterns that may apply elsewhere in that vast domain of Asia and Africa known as the Muslim world.

Why begin with Iran? Because it is in Iran that Islamic fundamentalism began. Iran determines the standard, which is to say the male-specific, depiction of Islamic fundamentalism. It also sets the standard for women. Not only did Iran signal the return of Islamic values as a dominant element of national identity in many Muslim societies, but the women of Iran, in particular, had a history of participation in that society prior to 1979 that was so extensive, and so well documented, that examining it allows us to understand the force—some would say the fury—of Islamic fundamentalism.

The Pahlavi regime had a specific policy toward women. Embracing Euro-American norms, it tried to impose them on twentieth-century Iranian women. Its major moments include:

1935–36	Women compelled not to wear the veil in public places
7 Jan. 1937	Marked as women's day by Reza Shah
1938	First women admitted to Tehran University

1958	High Council of Women organized; later (1966) replaced by Women's Organization of Iran (WOI), with branches in all major cities
Jan. 1963	Among the six points marking the reforms known as the White Revolution, one promises women's suffrage
1967	Women accepted into the judiciary and also drafted into the police and army
1967	Family Protection Law passed, modified in 1975 to provide for mutual consent in divorce

Spanning the forty-four year period from 1935, when the veil was banned, till 1979, when the Islamic Republic of Iran came to power, these government-initiated changes produced results. Among them were the following:

· Women's Organization of Iran expanded to a network of 400 branches and 118 centers, with 51 affiliated organizations. The centers provided vocational training, literacy classes, childcare, legal and professional counseling, as well as family planning.

· The number of girls attending elementary and vocational training schools rose dramatically, increasing more than tenfold in the decade of the 1970s alone. By 1978, 33 percent of all university students were women, and many had begun to choose fields other than those marked as traditionally female occupations. For example, the number of women candidates for medical school in 1978 was higher than the number of men.

· By 1979, 2 million Iranian women (out of a total female population of 20 million) had entered the labor force. Almost 200,000 were enrolled in academic and specialized fields; another 150,000 worked as civil servants, with over 1,500 serving as managers or directors. There were over 1,800 women university professors, and women worked in the army, in the police force, as judges, pilots, engineers—in every field except religious activities. Schools of theology were the only academic institutions closed to women.

· Political space was also opened to Iranian women. Women were encouraged to run for public office. In 1978, of 1,660 candidates elected to local council, 33 were women. Twenty-two of the 270 member *majlis* were women. There was a woman cabinet member, ambassador, and governor. There were five women mayors.[6]

As heady as were these achievements for Iranian women, they depended for their continuation on government support. There were no private-sector initiatives, nor did the private sector begin to acquire an institutional autonomy that allowed it to complement or compete with government initiatives. Consequently, when government support was withdrawn with the return of Khomeini and the coming to power of the Islamic Republic of Iran, the above markings of women's public prominence were erased. They were quickly replaced by rules favoring women's absence from, or invisibility within, the public sphere:

Feb. 1979	Family Protection Law suspended
March 1979	Women no longer appointed judges or allowed to hold decision-making posts; public veiling required; childcare centers closed; women barred from competing in internation sports
May 1979	Coeducation banned, with women also segregated in cafeterias and on buses
Dec. 1979	The first woman to have served as a cabinet minister under the shah (a medical doctor and teacher who had been education minister from 1968 to 1975) is brought to trial, condemned for spreading corruption on earth, and sentenced to die before a firing squad
March 1980	The First Islamic *majlis* is elected; there are 2 women among its 270 representatives
April 1980	Universities closed indefinitely
May–July 1981	Further steps are taken to implement compulsory veiling, e.g., unveiled women fired from government jobs
July 1981	The *majlis* ratified Bill of Retribution, especially harsh on women offenders

Yet a skeletal reiteration of legislative or juridical measures taken against women's participation in the public sphere does not tell the full story. The Shiʿi clergy who dominate the Islamic Republic of Iran also extol those women who conform to their understanding of women's ideal roles in an ideal Islamic nation-state. Their viewpoint deserves scrutiny in its own terms, even when it rubs up against the dominant notion of who women are and what their public role ought to be.

A crucial issue is representation: representation within the clerical leadership and representation within the female population of Iran. Who speaks authoritatively for the norms established by the Islamic Republic? And to which women do those norms apply? Do they apply equally to urban and rural women, to elites and non-elites, to wealthy and poor? Such questions about female representation complicate the issue of women and fundamentalism, yet by specifying subgroups within a population too easily glossed and generalized under a single image, they allow us to nuance the future of women in an Islamic nation-state.

The authoritative spokesperson setting forth the fundamentalist view of women might be either Khomeini or Motahhari. Khomeini is the better-known figure, but Motahhari is the more consistent thinker. Khomeini's position is complicated by the seeming contradiction between some of his pronouncements, which seemed to hold out hope for women's public participation in the Islamic Republic, and his writings, which, along with the provisions of the 1979 Constitution, extolled women solely as childrearers and educators, i.e., as the denizens of domestic space.[7] Motahhari, on the other hand, has systematically delved into the question of women and women's social roles. He is no less controlling than Khomeini, but he is better grounded in his mode of argumentation. It is from his writings that we gain a unique perspective on the Iranian clerical view of women.[8]

It is a view defined by two considerations: (1) the requirements of marriage and (2) the challenge of the modern West and its social norms. So major is the West and its symbolic challenge that traditional marriage must be retained, at all costs. Motahhari is not content merely to restate what Islam does, nor how Muslims ought to behave. Instead, he frames his own views as counterarguments to the arguments of his opponents, those who advocate the heralded notions of freedom and equality. Both notions are boldly attacked in two sets of lectures, one addressing "The Rights of Women in Islam," the other, "Sexual Ethics in Islam and in the Western World." Though the second is much briefer than the first, it contains in summary form the central postulate of Motahhari's approach: women are primarily defined as sexual beings, for it is their sexuality that provides the criteria for their broader function as members of society. While disclaiming any essentialist notion of female sexuality, he dwells on what he terms "the basic need for

humane conditioning of natural instincts and desires."[9] This conditioning applies both to men and to women, and yet it is women who bear the burden of responsibility for allaying male concerns. The male-privileging moves that punctuate "Sexual Ethics" become starkly evident when Motahhari lists the most frequent charges that he feels permissive Westerners raise (without justification, of course) against proponents of traditional mores. They are:

1. male sense of possession of his female
2. male jealousy
3. male concern for establishing his paternity of a child
4. asceticism and monasticism based on the assumed sinfulness and wickedness of human sexual relations
5. female sense of impurity arising from her menstruating nature
6. male abstinence from sexual relations with a menstruating female
7. severe punishment at the hands of men undergone by women throughout recorded history
8. causing women to remain economically dependent on men[10]

Apart from (4), which applies to both men and women, and (5), which is a female reflex, all the other charges concern male malevolence. It is men who marginalize and subordinate women, whether due to insecurity or to a drive to power. Motahhari never refutes these charges; he seems to presume that he has removed their stigma by itemizing them serially without comment.

Despite the ad hominem form of his reasoning, Motahhari's argument does exhibit a form of logic. The logic he pursues is the logic of internal falsification, refuting the West through the West. He adduces case after case of how traditional morality works and modern laissez-faire ethics fails. Ironically, Motahhari summons as witnesses on behalf of his position prominent Western thinkers like Bertrand Russell, Will Durant, and even William James.

The major weakness of Motahhari's position lies not so much in the form of his argument as in its unspoken, and therefore unexamined, premises. He views woman first of all as a sexual being, and so defines her from the outset within a world view that excludes the social roles that many modern women have come to take for granted: freedom of mobility, equality before the law, the right to higher education (whether in university or in technical schools),

and opportunities for employment in business, medicine, law, or government, with the expectation of advancement in each up to the highest level or office. Motahhari never cites these options, nor does he acknowledge them as women's rights, for none of them pertains to the foundational notion of a woman's identity, her identity as sexual being.

Motahhari's views are not his alone. They are shared by other clerical members of the Islamic Republic of Iran, by other Iranian men and women, and by non-Iranian Muslims, even by some deemed to be "progressive." One such "progressive" Muslim, a modern-day Tunisian scholar, declared that "male supremacy is fundamental in Islam."[11] If he is right, then the only true Islamic society would have to be patriarchal. But is he right? Could it be that male supremacy is not fundamental to Islam? Might it not be rather due to the construction of Islam that has developed since the time of the Prophet Muhammad, a construction that is at variance not only with the Qur'an but also with the exemplar conduct of the Prophet's own life? As early as the 1920s, a Lebanese woman activist, Nazira Zayn al-Din, made just this assertion, arguing that it was religious scholars who had occluded the gender-inclusive message of the Qur'an and relegated women to a position inferior to men.[12] And as Barbara Stowasser, in a trenchant textual analysis of women and early Islam, writes: "The fault for unjust laws and practices such as women's inequality lies not with God's revelation but with the ʿulama's interpretation of it . . . as well as with contrived or unauthentic variations of Prophetic Hadith."[13]

It is important to recognize that there is a contest about what constitutes true Islam, and that testimony from Qur'anic evidence often conflicts with later juridical decrees. It is equally important to note that women have been defined not only textually but also socially. Whether they are urban or rural matters as much as their class markings. Rural women are rarely reported, much less featured, in journalistic accounts of Muslim women. Rural women are also uneducated, often illiterate. Yet they represent the largest number of women in Iran, as also in Egypt and Pakistan.[14] Neither veiling nor polygamy characterizes their lives, and so the driving issues of both fundamentalist and feminist ideologues have little appeal since neither religious conformity nor social liberation is related to the day-to-day reality of life for these women. Argu-

ments about women's rights vs. women's duties remain just that, arguments. They are arguments that presuppose a space for reflection denied to rural women whose social and economic value is measured by increments of survival.

Women of Deh Koh is a brilliant anthropological study of one group of rural Iranian women, a study undertaken since the establishment of the Islamic Republic of Iran. It provides several anecdotes that demonstrate how women cope. Especially gruesome is the story of a village woman's rape. This story demonstrates just how limited are a woman's options. Not only was the rapist not executed, it was the woman who was burdened by his crime; since she was no longer a virgin, her "best" hope was to have the rapist marry her. She resisted that conclusion, but fellow women villagers, in talking among themselves and with her, left no doubt that her only other option (and one that many women are driven to choose), was suicide.[15]

If women are everywhere vulnerable to men, in the countryside of Iran they are less prone to seek or support options for change than elsewhere. They live as economic dependents of their male relatives, but they also form emotional attachments to other women that preclude criticism. One of the most scathing indictments of the Islamic Republic's policy toward women also criticizes Iranian women for condoning their own lot. "The women themselves are to blame for . . . women are not conscious of their rights and either try to justify the existing laws, or raise cries for our rights without any valid backing."[16] Yet this is an urban lament, since rural women must continue to think in terms of one right: survival.

Since 1979 women, along with men, have begun to move out of the villages in greater numbers. Many recent migrants to Tehran, whose population in 1997 has swollen to 13 million, have become part of a lumpenproletariat, or lower-middle-class urban population. Changing locale has also entailed a change in the visible expressions of Islamic loyalty. In crowded, often inadequate housing, women have embraced the austere black veil or *chador* and *maghnae* (a head, shoulder, and bodice covering that leaves the face and hands free) as a passport to public space. Since all urban women must wear this uniform, they become equally conformist in the public domain but also equally free of patriarchal control restricting them to the private domain, that is, their households.

Common dress code then allows to surface the true problem of women: their place in the workforce. On this question there has been, and will continue to be, debate at all levels of Iranian society. Until Khomeini's demise, most governmental positions, except teaching and women's health, had been closed to women professionals, but for the past six years "women have been able to study whatever they want and enter all jobs." One might scoff at such a statement except that it comes from the editor of *Zanan* (Women), a bimonthly magazine focusing on women's issues that began publication in 1991 and has not shied away from such controversial topics as divorce practices, the condition of women prisoners, stereotypes of women in textbooks, the image of women in Iranian cinema, and particularly alternative readings of Qur'anic passages concerning the status of women.[17]

Zanan is a publication by and for urban women—those who have had the benefit of education, employment, and access to public space. It is they who have protested against the Islamic Republic of Iran. They have written passionately and argued effectively against patriarchal norms. Many have also projected their views through publications that have appeared in English while they were exiled to England or North America.[18]

The comparative freedom that Iranian women enjoy reflects the resilience and determination of those who have lived through both the early years of the revolution and the eight-year-long war with Iraq. It also reflects the political courage of Rafsanjani, who in a characteristic interview noted the accomplishments as well as the limits of women in the public sphere:

> After the revolution, we invited people to encourage their daughters to play a more active role in society. And we encourage them very much to send their children to higher institutes of learning and research centers. Now, about 35% of our university students are women. And about 40% of school teachers are women. We do not have many women at the level of high management, but their number is increasing in the parliament and top management. We think that the status of women has been enhanced and that their future is even better in this country.[19]

While not all clerics or parliamentarians share Rafsanjani's "liberal" view of women's role in society, there is little doubt that the situation of Iranian women is improving, partly as a result of their

own efforts, but partly also with some help from engaged and supportive leaders. Iranian women are far from passive creatures confined to home and unable to participate in the public sphere; Euro-American media stereotypes die hard, but die they must if the reality of Iran is to be recognized.

EGYPT

What is true for women in Iran is also true in Egypt during the past quarter century: Islamic fundamentalism has played an increasing role in their lives.

There are at least three profiles that need to be considered. The first, and narrowest, profile focuses only on those female cadres allied with male fundamentalists. These are lower-middle- to middle-class women, often of rural background. There are few of them, and they do not speak for themselves because their self-described role does not permit their voices to be heard as individual testimonies. The second profile centers on those women who are negatively affected by fundamentalist-inspired laws, which reduce or exclude them from public space that during a prior period had seemed open to them. Also few in number, they are almost entirely second- or third-generation urban dwellers. By birth, education, and travel they have an awareness of the status of women in Europe and America, even when they criticize the excesses of "Western" feminists. The third profile is the one least often considered in discussion of fundamentalism: it is the great mass of rural women for whom the issues of fundamentalism and feminism alike are moot. As we saw in the Iranian case, it is foolish to speak of Muslim women as a single group since the social, economic, and educational profile of rural women brackets them from their urban sisters.

If we begin with urban women, it is because only in cities, and with the transformations that occur to women in Muslim cities, can the saga of Islamic fundamentalism be charted.

In the Egyptian case, as in the Iranian case, we begin with a provisional list of public events, but even as we do, we must recognize that the events of progress that they signal affect but a small number of Egyptian women, nearly all of them urban dwellers.

1923 Egyptian Feminist Union (EFU) is founded; its journal, *L'Egyptienne*, is published in French. Its upper-class constituents, headed by Huda Shaarawi, advocate social reform.

1929 First women admitted to Fuad I, later Cairo University

1930 Minimum marriage age for women raised to sixteen; marriage laws reformed; higher health standards advocated for rural women

1933 Protective legislation passed for working-class women

1936 Muslim Ladies' Association (MLA) formed as an alternative to, but not a competitor with, EFU

1937 EFU shifts its journal from French to Arabic language (becoming *al-Misriya*), but still denies even middle-class women educated abroad admission to its ranks

1944 National Feminine Party (NFP) founded, limited to Cairo

1945 League of University and Institutes' Young Women (LUIYW) founded. Its leader, Inji Aflatun, writes two major books: *80 Million Women with Us* and *We Egyptian Women*, arguing that women's liberation is compatible with Islam

1948 Daughters of the Nile Union (DNU) also founded in Cairo, but with branches throughout Egypt. DNU, along with NFP and LUIYW, advocates political rights, literacy, and hygiene for poor women

1970s First family planning programs inaugurated

1971 Article 40 guarantees citizens equality before the law, with "no discrimination made on the basis of race, sex, language, ideology, or belief."

1979 By law women are guaranteed thirty seats in Parliament

1979 Personal Status Law passed. Canceled in early 1985; most of its central provisions reinstated in a new law that went into effect in July 1985

1982 Arab Women's Solidarity Association founded by Nawal el-Saadawi. At first denied permission to register by the government, it was finally allowed to register in 1985 but then was dissolved in 1990 along with its journal, *Nun*.

What the above list of dates and events omits is the level of interaction between fundamentalists and feminists that moved from initial cooperation to outright hostility. MLA was founded by Zaynab al-Ghazali, the leading female Islamist, as an alternative to EFU, but with the goal of furthering options for Egyptian women. However, in 1952, when Nasser and his fellow officers came to power, fundamentalists split from feminists and disavowed the latter's goal of harnessing all women to the development goals of the state. Nasser reacted by choking off fundamentalist women. He treated them less harshly than he did their male counterparts: though imprisoning Zaynab al-Ghazali in 1965, he executed her male role model, Sayyid Qutb, the following year. Sadat may be seen to have had a similarly punitive stance toward female fundamentalists: after Zaynab al-Ghazzali's release, another female Islamist, Safinaz Kazim, was incarcerated on three separate occasions—in 1973, 1975, and 1981.

Yet attention to the names and fates of a few fundamentalist women ignores an underlying class disjuncture. Both Zaynab al-Ghazali and Safinaz Kazim were upper-middle-class Cairene women of education and privilege; while distanced from the upper-class women of the EFU, in class background they very much resembled members of the MLA or the DNU. By contrast, fundamentalist women who joined Islamic alternative groups in the 1970s and 1980s tended to be middle- or even lower-middle class.[20] This cross-class mobilization of female Islamists invites attention. It matches the growing economic disjunctures of urban Egypt during the past two decades. Women as well as men have been confronted with mammoth shortfalls between their educational horizons and their occupational opportunities: each year 375,000 new people enter a workforce that already is swollen with 40 percent unemployment,[21] and so the new class lines tend to be drawn between those who are employed with any semblance of "honorable" subsistence and those who are not. Fundamentalism appeals to educated, underemployed women, as it does to their male counterparts.

Faced with such a massive, intractable economic crisis, Sadat and then Mubarak followed the policy of Nasser in manipulating both women's issues and fundamentalists toward their own Pharaonic objectives: to maintain the state as a refuge against chaos at

all costs. The Constitution of 1971 is a showcase of juridical ambiguity, as Margot Badran has demonstrated in her path-breaking article on women and modern Egypt. While guaranteeing women equality before the law, it also declared: "The state guarantees a balance and accord between a woman's duties towards her family on the one hand and towards her work in society and her equality with man in the political, social and cultural spheres on the other without violating the law of the Islamic Shariʿah."[22]

In effect, the fundamentalist viewpoint that women are to be maintained in the domestic sphere and excluded from the public sphere was supported by the tone, as well as by the last clause, of the declaration above. In other ways, too, Sadat undermined women in the workforce. His famous Open Door (*infitah*) policy, inaugurated in 1974, embraced foreign investment and encouraged the private sector, but it also rescinded the state's guarantee to employ all university graduates who could not otherwise find jobs. Since women had to compete with men for the few private-sector jobs available, the Open Door became a closed door for female university graduates. With every other Egyptian facing unemployment by the mid-1980s, the state positioned itself as the constrainer of woman's public roles, the advocate of her retreat into the home.

What Sadat took away through economic policies he seemed to restore by legislative decree. Through a double move in 1979 he opened up Parliament to greater female representation and also passed the most hotly contested legislation of his entire rule, the Personal Status Laws. The Personal Status Laws gave women the right to initiate divorce, protected them in divorce actions, and also placed controls on polygyny. All this in the same year that witnessed the ratification of the Camp David Accords with Israel and the ascent to power of the Ayatollah Khomeini in Iran!

Despite the uproar that greeted the Personal Status Laws, they did not change the subsurface reality of Egyptian social culture. In the early 1980s a flood of editions of popular religious tracts appeared from Egyptian publishing houses, at the same that the charismatic preacher Muhammad Mitwalli al-Shaʿrawi rose to public prominence. Their message was the same: the happy woman is the woman in the home, an Egyptian woman who is at once obedient wife and nurturing mother. While the radical female fundamental-

ists like al-Ghazali and Kazim were kept at bay, the moderate fundamentalists were allowed to operate at will. They were even supported by the state under Mubarak. In 1988 Shaarawi, whose television popularity exceeds that of America's televangelists and who, unlike them, was granted free air time by the state, received a national decoration. In the same year a similar decoration was bestowed on a university professor of peasant origins, Bint al-Shati, whose prolific writings were chiefly marked by their unflagging exaltation of women's domestic roles.[23]

There was a still deeper subsurface reality of Egyptian economic life that had not changed. While statistics are notoriously inaccurate, it is still likely that the majority of Egyptian women continue to be rural rather than urban, and among rural female workers, more than two-thirds are engaged in some kind of economic productivity outside the house, whether plowing in Lower Egypt or milking cows and tending to chickens in Upper Egypt. Such women are concerned with subsistence, with managing minimal resources. Illiterate themselves, to the extent that they think of educational opportunities for their children they "harbor a suspicion that an education which at the end of university [no longer even] guarantees a poorly paying job in the government bureaucracy may not always be worth the effort."[24]

And what does occupy them beyond subsistence is family relations and, above all, marriage. When one reads accounts of the lives of such women, it is neither the platitudes of fundamentalism nor the promises of feminism but the strategies for coping with arduous circumstances and limited options that loom large. These women are far from being passive or unresourceful. Though they and their families are visited by numerous and unending afflictions, they are never left without some appropriate action to take. They are "actively and energetically involved in manipulating their and others' lives, in responding to difficulties effectively, and in discovering solutions to problems that are realistic given the limits of what is available."[25] And yet when all the opportunities for change have been mapped out, neither a religious validation of hearth and home nor a shift to education and public employment is among them. It is only a tiny fraction of urban-dwelling Egyptian women who are affected by either the fundamentalist or the feminist option— or by a newly emergent trend toward "Islamic feminism."

Pakistan

One reaches the same conclusions about Pakistan that one does about Egypt, though by a different historical route. The tabulation of public events prior to 1947 is difficult because it must take into account the multiple groups participating in colonial India, conjoining future Pakistanis with Muslims and Hindus who were as opposed to Partition as they were to British occupation. Indian Muslim women, for instance, were visible in the ranks of those supporting a Pan-Islamic coalition (the Khilafat movement) in 1917. They also helped to found the Muslim League, which was the prime advocacy group of an independent South Asian Muslim nation. Soon after Partition in August 1947, Muslim women became visible as Pakistani citizens. They began to organize at the national level. Among their achievements were the following:

1949	All Pakistan Women's Association (APWA) formed by the wife of Pakistan's first prime minister, Begum Liaqat Ali Khan
1956	APWA publishes a report recommending restrictions on *talaq* divorce and polygyny
1961	Moslem Family Laws Ordinance passed, raising the legal age for marriage from fourteen to sixteen for women, and eighteen to twenty-one for men
1973	New constitution promulgated, one of its provisions claiming to guarantee women's equality
1974	Married Women's Property Act and Dowry Prohibition Act passed
1979	Women's Division created at the federal level
1979	Hudood Ordinance passed, creating a special threat to lower-class women
1981	Women's Action Forum (WAF) formed, stressing feminist issues and attracting housewives, students, lawyers, and professional women
1982	A lay preacher, Dr. Israr Ahmad, calls for the complete seculsion of women as well as total enforcement of the veil, and a Federal Council appointed by General Zia al-Haq limits women's participation in spectator sports

1983 Law of Evidence passed, limiting women's testimony in court and also compensation due from murder of a relative

All these dates suggest again a tug-of-war between feminists and fundamentalists, with the fundamentalists in Pakistan enjoying explicit government support, at least until General Zia's death in 1988. After its founding in 1981, the Women's Action Forum (WAF) spread to all major urban centers of Pakistan, and with support of the older APWA, focused on advocating women's rights, including education, marriage choice, family planning, even abortion. WAF members were loyal citizens of the state and also devout followers of Islam, inasmuch as their members participated regularly in Qur'an classes. These feminists, like their counterparts from Egypt, Iran, and elsewhere, were seeking to find scriptural justification for Islamic norms other than those sanctioned by a neopatriarchal religious class.

The WAF strategy did appeal to some moderate Muslim males, but it did not not succeed in convincing other conservative Muslims, both male and female. The state, which was tainted by its illegal usurpation of power, nonetheless countered the WAF challenge through its own backers, female as well as male Islamists. "The women's wings of the fundamentalist *Jamaat-e Islami* and its student appendage, the *Jamiat-e Tulaba*, banded together with the newly formed *Majlis-e Khawatin* Pakistan to stymie WAF's campaign against Zia's Islamization policies."[26] At the height of this ideological battle, in 1984, the founder of the APWA, Begum Liaqat Ali Khan, challenged General Zia to a showdown. She was the leader of Pakistani women while he was the head of state. He was the instrument of religious fundamentalists, she the advocate of democratic processes and women's rights.

The drama evident in this theater of confrontation masks a deep and disturbing reality. Pakistan is less able to nurture, to educate, and to employ its women citizens than either Egypt or Iran. Pakistan is predominantly agrarian, over 75 percent of its ninety-five million population living in forty-five thousand villages in four provinces. Most women live in such abject poverty that a report by the government-sponsored Commission on the Status of Women could report that "the average rural woman of Pakistan is born in near slavery, leads a life of drudgery and dies invariably in oblivion."[27] Girls' education is even scarcer than running water or electricity. While most boys go to elementary school, some to high school, and a few even to college, most females "typically have been trapped into a traditional treadmill as maintainers of simple one- or two-room dwellings, tenders of animals, and auxiliary farm workers."[28] And, of course, they get married and produce children, an average of seven surviving children per family since only a small percentage of fertile couples practice family planning.

Yet even in the most desperate village, women continue to function, as they do in the most upper-class circles of Karachi social life, as vessels of honor. "For whatever her station in life, the Pakistani woman derives identity in the family circle as mother, wife, daughter, and sister. The stability and sanctity of family life, kinship ties and loyalties, the fabric of religious observance and custom—all these are maintained largely through women who are looked upon as preservers and upholders of social virtues."[29]

In relation to the total population of Pakistan, both feminists and fundamentalists seemed to share certain benefits. They were far more privileged than the poorer, which are also the more populous, segments of Pakistani society. In Egypt, the feminist and the fundamentalist movements also drew support from urban women of privilege: regardless of class differentiation among upper, middle, and lower classes, they all benefited from their placement in the upper third of the Cairene social scale. For Pakistani women also, markers of class location are crucial. They mirror a pattern of social hierarchy that has been historically constructed and remains deeply embedded as the "obvious" norm of social exchange, above all in urban settings. Feminism, despite its rhetorical clamor, remains socially conservative, so socially conservative that the politican historian Ayesha Jalal depicts its functional stance as "the convenience of subservience." She explains:

> In Pakistan, as in other parts of the world, the class origins of those who have formed the vanguard of the "feminist" movement have been the decisive factor in the articulation of women's issues at the level of the state. Educated, urban, middle and upper class in the main, these women have toyed with notions of emancipation but carefully resisted challenging their prescribed roles in society. Such deference is merely the outward expression of a deeper and largely subjective consideration: the stability of the family unit and by implication of the social

order itself. As beneficiaries of social accommodations worked out over long periods of history, middle and upper class women everywhere have a stake in preserving the existing structures of authority, and with them the convenience of a subservience that denies them equality in the public realm but also affords privileges not available to women lower down the rungs of the social hierarchy.[30]

In the context of Pakistan, such conservatism, expressed as subservience to existing structures, means that the mere election of a woman to the highest political office does not assure that the fundamentalist cause has been stalled, the feminist advanced:

> On the face of it the election of Benazir Bhutto as prime minister . . . might well suggest that the march of history has dramatically changed course. Yet even the most visible symbol of a woman successful in the public domain has been compelled to win social approbation with measured nods to the orthodox and fundamentalist galleries. [Hence Benazir Bhutto during her time in office did not repeal either the hated Hudood Ordinance or its sequel, the Law of Evidence.][31]

While Pakistan provides a test case of how gender advocacy and class consciousness do not mesh, leaving poor urban and destitute rural women equally disempowered, the circumstances of women in Egypt and Iran are better only by degrees. The strategy for feminists has been to advocate advancement for their country, along with the improvement of opportunities for women. Hence Azar Tabari has declared that "any struggle must also fight against the overall political Islamic system that deprives women and men of the most elementary rights of choice and any kind of self-determination,"[32] while Nawal El-Saadawi has gone even further, asserting that "the complete and real liberation of women, whether in the Arab countries or the West or the Far East, can only become a fact when humanity does away with class society and exploitation for all time. . . . In other words, women can only become truly liberated under a socialist system where classes have been abolished."[33] Hers is an appealing utopian vision: it evokes a global community at once transgendered and classless. Yet it must be tempered on three counts: (1) It conceals the class-embeddedness of the speaker, a medical doctor whose writings and travel place her among the most privileged of Egypt's tiny urban elite. (2) It provides no middle ground for advocacy within the current global

economic order, where classless society is not only a lofty ideal but also an unattainable option. Reallocating wealth is no easier for women than for men: how many advocates of a truly classless society would be prepared to endure the grinding poverty of El-Saadawi's rural Egyptian sisters, or their counterparts in Iran and Pakistan? (3) It downplays the historical formation of contemporary Arab/Muslim society, which has been very uneven, leaving most societies with impoverished masses (Egypt and Algeria) or expatriate workers who amount to indentured servants (Saudi Arabia and the Gulf States). Not only capitalism but industrialization and corporatization have reinforced divisions among humankind within as well as between different societies. Socialism in the mid-1990s represents a spent force.

Pakistani women are, and will continue to be, deprived of the opportunity to work. Their irreversible deprivation underscores the global, international specter that daunts feminists and fundamentalists alike: "In the final analysis, the integration of women in the wage-labor force hangs on a solution to the Arab [read: Egyptian, Iranian, Pakistani] economic crisis. This in turn depends on the political will to achieve *real* national independence and regional self-reliance. If the past is anything to go by, little will be achieved in the foreseeable future."[34]

Because feminists have neither the internal mechanisms nor the external supports to further their agenda, it will remain possible for others, especially fundamentalist others, female as well as male, to propound their solution to the no-win economic dilemma. As new generations crowd out the old, more and more young people will continue to migrate to cities. They will seek education and employment, only to meet with dissatisfaction and poverty. The most visible group to blame will be "the modernizers," those who seem to have succeeded by defending the current order. A major group standing against the modernizers will be the Islamists or fundamentalists, those who articulate an indigenous set of codes, grounded in one reading of the Islamic past. The fundamentalists will claim to provide a safety-net against the disruptions and disappointments of emerging economic order. Since no such safety-net exists, the fraud of fundamentalism will become evident, at least to some. Yet the fundamentalist protest will persist. Even when its proponents do not succeed in gaining direct political power, they will have succeeded to the extent that they have made conformity

to religious norms the litmus test of cultural authenticity. Even though a theocratic experiment is unlikely for either Egypt or Pakistan, elites in both countries will experience the impulse, from the government as well as from the opposition, to seek an Islamic solution to nagging problems. Women will be drawn into the fray from both sides, and their voices will merit close attention, etching sharply the contradictions that face Muslim society as a whole.

CHAPTER 6

The Shah Bano Case

NOWHERE have the contradictions posed by an Islamist solution become more evident than in the case of a South Asian Muslim divorcee who sought support from her husband through the court system. To examine the case of Shah Bano is to call attention to the pivotal yet problematic role of one mode of governance, the judiciary, as it functions in the three major Muslim states of South Asia: India, Pakistan, and Bangladesh. I will argue two points that emerge when one looks at women as an independent category and the judiciary as a crucial dimension of governance. The first is that women are made to represent the cultural norms shared by men and women alike throughout Muslim South Asia. The second is that court cases involving women's legal rights not only reflect boundary markings between Muslim and other communities, they also heighten tensions about their maintenance, even as they complicate notions of what it is to be both Asian and Muslim in the late twentieth century of the common era.

Shah Bano was the daughter of a police constable.[1] At an early age she had been married to her first cousin, Muhammad Ahmad Khan. During more than forty years of marriage she had borne him five children. Then one day in 1975, according to her account, he evicted her from their home. At first he paid her a maintenance sum, as was required by Islamic law, but he ceased payment after some two and a half years. When she applied to the district court for redress, he divorced her. Uttering the formula disapproved by the Prophet but authorized by the Hanafi school of law, he declared: "I divorce you, I divorce you, I divorce you."[2]

At that point they were fully divorced, but, complying with a further provision of Islamic law, Muhammad Ahmad Khan repaid Shah Bano the dower of about three hundred dollars that he had set aside at the time of their marriage. Legally he had fulfilled all his responsibilities to her.

Shah Bano, however, was left impoverished. She had no means to support herself, having worked only as a housewife for over