

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

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Controlled or Autonomous: Identity and the Experience of the Network Women Living Under Muslim Laws

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The international network, Women Living Under Muslim Laws (WLUML), was initially formed in response to several incidents urgently requiring action in 1984, all of which related to Islam, laws and women. In Algeria, three feminists were arrested and jailed without trial, then kept incommunicado for seven months. Their crime was having discussed with other women the government's proposal to introduce a new set of laws on the family (Code de la Famille) that severely reduced women's rights in this field. In India, a Muslim woman filed a petition to the Supreme Court arguing that the application of religious minority law denied her rights otherwise guaranteed all citizens under the Constitution of India. In Abu Dhabi, for the alleged crime of adultery a pregnant woman was sentenced to be stoned to death two months after giving birth. In Europe, the Mothers of Algiers (a group formed by women divorced from Algerian men) were seeking access to or custody of their children.¹ Excepting the condemned woman on whose behalf others initiated action, those concerned in each incident asked for international support. Starting as an action committee, WLUML coalesced into a network between 1984 and 1986 when it formulated its first Plan of Action.

Geographically scattered, these first incidents were symptomatic of the much wider problem confronting women in the Muslim world, who increasingly find that in the tussle for political pre-eminence, political forces (in and out of office) are increasingly formulating legal, social, or administrative measures justified by reference to Islam that militate against women's autonomy and self-actualization.

To understand the logic underpinning WLUML's creation and in order to assess the possible impact of its actions and strategies, it is essential to first locate women in the complex web of Islam, law, and society in the Muslim world and to clarify some basic issues in this respect. Firstly, the essential components of patriarchal structure in Muslim societies do not differ from those enumerated by non-Muslim feminists, and, like elsewhere, women's subordination occurs at multiple levels (kinship structures, state-building projects, anti-imperialist and populist ideologies, and national and international policies). Nor should women be viewed as passive victims, as "they are fully fledged social actors, bearing the full set of contradictions implied by their class, racial and ethnic locations as well as gender" [Kandiyoti 1989, 8]² - all being factors that in turn moderate women's interaction with both the state and religion.

Second, the idea of one homogeneous Muslim world is an illusion and, in fact, (as Deniz Kandiyoti puts it):

¹ In Algeria, the three feminists were released; however, the new Family Code, was enacted in 1984, negatively affecting women. In India, the Muslim Women (Protection of the Rights on Divorce) Act 1986 allowed Muslim minority law to supersede the Constitutional provisions, depriving Muslim women of rights enjoyed by others. In Abu Dhabi, after a strong international campaign of numerous groups, the woman was repatriated to her own country, Sri Lanka. After several years the government of Algeria and France signed a treaty providing for visiting rights to divorced mothers of Algerian children.

² For a more complete discussion on the subject of the cultural articulation of patriarchy, see Shaheed 1986; on the complexities of the situation see Kandiyoti 1989.

So-called Islamic societies embody widely differing histories of state and class formation. The relationship between state and religion have correspondingly varied as they have evolved....[But] all have had to grapple with the problems of establishing "modern" nation-states. This meant forging of citizenship, and finding new legitimizing ideologies and power bases....Most Muslim states have failed to generate ideologies capable of coping realistically with social change. This and their histories of dependence vis-a-vis the West, have led them to rely on Islam not only as the sole coherent ideology at their disposal but also as a symbol of their cultural identity and integrity. [1989, 5]

Third, when identity is transformed into a set of beliefs and behavioural patterns ordering community life, existing socio-economic and political structures play a major role in shaping the transformation. Consequently, while it is frequently claimed that any given state, society or community is Islamic, it is in fact not Islamic (i.e. that which is ordained) but Muslim (i.e. of those who adhere to Islam) and reflects the assimilation of Islam into prevailing structures, systems, and practices - hence the many significantly different varieties of Muslim societies that exist today. And, finally, the diversity of Muslim societies and the differing realities of women within them have produced a plethora of feminist responses in the political arena that range from the exclusively secular to the exclusively theological, with many permutations in between.

In most Muslim societies, however, the cultural articulation of patriarchy through structures, social mores, laws, and political power are all justified by reference to Islam and Islamic doctrine, a task facilitated by Islam's central role in the self-definition and cultural reality of Muslims at large and in which legal systems play an important part as a basic organizational tool of society. Although, for sheer physical survival all societies need to organize the means of production and reproduction, at the cultural level all communities additionally evolve a world view or belief system that explains human existence (including people's relationship to the production process) and also provides a basis for their collective identity. Within this framework, the legal system represents the codification of those rules considered essential to the survival of a given society.

The law therefore flows from the social relations that it seeks to codify and - by both prescription and prohibition - projects an ideal for society and demarcates the boundaries within which persons are free to act, including the limits within which they must formulate both a collective and individual identity. Presupposing enforcement as it does, the law - despite appearances to the contrary - is not a neutral entity but reflects the ideology of society's dominant group as well as the existing power structure. This structure is embodied in the legally defined rights and relationships between different segments of society. In the context of nation-states, the ideology inherent in the law may or may not represent that of the general population or of specific groups within a country. In fact, one measure of a nation-state's societal cohesiveness is the degree to which it is able to institute one integrated legal system. Where several legal systems co-exist (formal parallel systems for specified groups such as religious or ethnic minorities or customary laws in general), they indicate conflicting ideologies within that country.

Further, the law frequently lags behind social and cultural developments and over time, contradictions between the legal and social systems are bound to occur and intensify. However, as I have written elsewhere [1986, 39] changes in social relations do not displace all existing structures. Only those in direct contradiction with changed material conditions will be dismantled or modified. The introduction of a capitalist system of production into tribal or feudal communities did not eradicate the existing structures of patriarchy in these societies. These were altered only in aspects that presented direct obstacles to the needs of the new system.³ The encouragement Indian women received at the beginning of the twentieth century to break the social stricture on women undertaking remunerated work in the modern sector of the economy to become doctors and teachers is a case in point. The concern was not to encourage women to become economically employed as professionals, but to preserve the more basic societal structure of purdah: gender segregation and female seclusion.

It is pertinent here to underline three points.

³ For a discussion on how industrial enterprises exploit culturally defined gender norms for women see: 1985. For an example of how the introduction of a cash economy can disempower women see Afshar 1989.

First, codified law is only one of the means through which society imposes external controls on individuals and socio-economic structures; violence or the threat of violence by individuals is an example of non-legal (or actually illegal) mechanisms of control. Second, internalized laws not requiring external enforcement are often greater obstacles to women's autonomy than formal legislation. Few Muslim countries have passed laws to debar women from specific occupations, to limit their physical mobility, to restrict their political participation, or to prescribe a particular dress code, yet in all these aspects women's lives are circumscribed by internalized social codes. While it is clear that the law may allow these rules to exist by omission, in some areas informal, internalized "laws" may be in conflict with statute law. In Pakistan, for example, the law rejects the concept of hilala which nevertheless is practised in some parts of the country.⁴

Third, whenever the coexistence of multiple legal systems provides an option on the same issue, all too frequently the one least favorable to women is the one that is implemented. For instance, in the case of South Asia, British colonial laws deprived Muslim women of their religiously sanctioned right to own and inherit property. Subsequently in the independent state of Pakistan, despite this clearly having been a non-Muslim colonial law and despite its having been amended to reflect Islamic doctrine, women continue to be deprived of inheritance by reference to local customs.⁵ On the other hand, while the formal state law rejects oral repudiation as a legitimate procedure for a Muslim man divorcing his wife, this is socially practiced and accepted by reference to Islamic doctrine. Finally, the traditional means of dealing with adultery in the province of Punjab was through a combination of forced marriage, social ostracization, and public humiliation. This has been overturned by the introduction of a supposedly Islamic law regulating extra-marital intercourse that provides for imprisonment, flogging, fines and - under certain circumstances - stoning to death. In this instance, customs have been abandoned in favor of the formal law that both violates human rights and discriminates against women.⁶

Obviously then, laws are not immutable but shaped by socioeconomic and political developments and involve a constantly changing selection of customs, traditions, religious codes, and external sources (e.g. colonial codes). Similarly, cultural identities are frequently exploited by those in power to their own advantages, and whoever may or may not be in power, inevitably women are not.

Law, identity and Muslim women

A critical aspect of legal rules and principles is that they "are justified by resort to sources that are accepted because of their reputed age and authenticity and to principles of social theory that are believed to be self-evidently valid but that in fact express the aspirations of the group which has for the moment achieved dominance" [Tigar and Levy 1977, 283]. This of course holds true for any society. The distinguishing factors in the Muslim context are (a) the frequent resort to religion as self-evidently valid premises for (usually discriminatory) laws, and (b) the symbiotic relationship the religion of Islam has developed with Muslim jurisprudence. This relationship is exemplified by the common and frequent assertion by Muslims that "Islam is a complete code of life" to suggest that all legal matters have already been determined by religion. Clearly neither the basic text of Islam, the Qur'an, nor even the hadith (practices and traditions of the Prophet) are legal codes, though prescribed in both are suggested codes of behavior. As one of the most important disciplines to emerge in Islamic scholarship, however, jurisprudence has dominated Islamic scholarship to the point that today a well known Muslim scholar, Syed Hossein Nasr, can assert "The Shari'ah is the Divine Law by virtue of accepting which a person becomes a Muslim. Only he who accepts the injunctions of Shari'ah as binding upon him is a Muslim" [in Hassan n.d., 7].

⁴ The concept of hilala is that before a divorced couple can remarry each other, the wife must first marry (and divorce) another man. The Muslim Family Laws Ordinance (1961) of Pakistan states this only applies after the same couple has married and divorced each other thrice.

⁵ Another vivid illustration from Pakistan of the exercise of the worst option for women is the occurrence of polygyny amongst poor Christians who have adopted this from the predominantly Muslim environment. In contrast, the Christian community has, so far, failed to liberalize grounds for divorce which remain restricted to adultery.

⁶ For details and discussion on the Enforcement of Zina Section of the Hudood Ordinances, 1979 and the issues involved see Mumtaz and Shaheed 1987 and Jahangir and Jilani 1990. The death penalty applies only in the case of a voluntary confession before a competent court (a retraction at any point before the execution annuls the confession) or the eye witness evidence of four Muslim male adults of good repute.

Not surprisingly, then, most Muslims cannot conceive of being Muslim without adhering to Muslim laws as they know these while remaining ignorant of how these may have been derived or formulated. In the meantime, elevating the shari'ah to the level of divinity renders it beyond challenge for the average Muslim. Refuting the divinity of shari'ah, a feminist theologian asserts:

Being a Muslim is dependent essentially only upon one belief: belief in Allah, universal creator and sustainer who sends revelation for the guidance of humanity. Believing in Allah and Allah's revelation to and through the Prophet Muhammad, preserved in the Qur'an is, however, not identical with accepting the Shari'ah as binding upon oneself...the assertion that one is a Muslim only if one accepts the `Shari'ah' as binding on oneself, and, further, that the Shari'ah is divine, transcendent and eternal, can be seriously questioned (and, in my opinion should be). [Hassan n.d., 8]

The interlocking of religion with law and customs has profound repercussions for women, affecting them negatively and disproportionately in comparison to men. A perusal of legislation in most parts of the Muslim world reveals that Muslim jurisprudence or shari'ah is limited in its scope to certain fields. In most countries, the vast majority of laws implemented in the field of commerce, revenues/taxes, administrative matters, public service, or other public sectors such as banking, standing armies, or political structures, for instance, have either been inherited from the ex-colonial power or have been adopted from elsewhere. In sharp contrast, the laws governing personal and family matters are regulated almost universally through Muslim jurisprudence and justified by reference to Islamic injunctions. Throughout much of the Muslim world, therefore, the Muslim identity of a community appears to be hinged almost exclusively on the regulation of family and personal matters.

Colonization, experienced in almost all parts of the Muslim world, left its own mark on these societies and on their perceptions of gender. Leila Ahmad points out that the colonizer's portrayal of women's oppression in colonized societies was used "in the rhetoric of colonialism, to render morally justifiable its project of undermining or eradicating the cultures of colonized people". [1992, 151]. In the context of colonized India, Lata Mani analyzes how women became the "currency ... in a complex set of exchanges in which several competing projects intersect[ed]". [1989, 119] The parameters of the discourse established by the colonizers pushed nationalist forces into either supporting all "traditions" or of initiating reform for women from within the traditional-religious framework. For all participants in the debate, women came to represent "tradition" and became the ground on which it was debated and reformulated. Simultaneously the definition of tradition saw a "colonial privileging of scripture". [Mani, 1989]

That the aim of such discourse was not in fact women's welfare or status is reflected in the negligible action taken in terms of legislative reforms affecting women in personal or family matters. Unlike laws directly affecting the collection of revenue (property and tax laws), extraction of surplus (e.g. labor laws), and administrative management (criminal laws), personal laws were only infrequently the subject of positive reforms. Personal matters were often left to be administered as previously through local legal systems (e.g. Shariat Courts in Sudan). When personal law was codified, it did not necessarily benefit women (e.g. in India the codification of Hindu customary practices deprived Muslim women of their right to inherit). Occasionally women in colonized societies were deprived of traditional rights because women in the colonizers' society did not enjoy these (e.g. rights to own or cultivate lands in African societies, or the denial of voting rights in colonial India). Finally, when the colonizers undertook direct administration of family matters, evidence suggests this was not particularly favorable to women. In India, Sir Abdur Rahim, a jurist working in 1911 noted that:

[I]n the domain of law governing domestic relations and succession, the Courts have allowed themselves a much narrower margin of freedom, if any freedom at all, in applying the rules laid down in books written by mediaeval writers to the altered circumstances of a modern world than in matters relating to dispositions of property, such as by gift, waqf or will. [1982, 34]

For their part, specific laws governing personal and family matters demarcate the parameters within which a Muslim woman can hope to define her own identity. When, for instance, the law grants men unconditional rights to divorce their wives while making divorce rights conditional for women, it suggests that individual men are the ultimate arbiters of acceptable and unacceptable conditions within marital relationships and within the family. It simultaneously suggests that "good" women subsume their own ambitions, ideas and desires to those of their husbands, narrowing the scope of a woman's identity to that of an adjunct of the principal male family member (in this case, the husband). One example from Algeria vividly illustrates the

legal implications of a woman's being considered an adjunct to a man. Having accepted the principle of universal franchise, between 1990-92 Algeria in fact negated this right for many women by allowing a woman's voting rights to be delegated to a family man. Equally, if guardianship is automatically assumed to be the right of the father (or his family), this constricts even the culturally much promoted parental role of a woman to bearing and nurturing children without granting her any real authority in the matter. Similarly, if the law insists that a woman obtain permission to travel from a male authority (or her guardian), it automatically closes many potential avenues for women that are open to men. The identity a woman "chooses" for herself (i.e. what she will be, how she will behave, her interaction within the family and with respect to the outside, her life-occupation, etc.) are all determined by the boundaries of the legal/social space defined for her in her society, and each discriminatory measure reduces the quantum of autonomy she can exercise.

Because personal/family laws are almost invariably classified as Muslim and justified with reference to Islamic doctrine or culture, the identity/space defined for women in a particular environment is presented as specifically that of a "Muslim woman". A person who challenges any aspect of law relating to family or personal matters is therefore deemed to be refuting - or at the very least challenging - the very definition of a Muslim woman in a particular setting.

The issue of identity is further complicated by the interweaving of traditional customs, mores, and beliefs into ethnically defined or geographically specific frameworks outlining the parameters of a Muslim woman's identity. Perhaps the most striking illustration of this is the case of female circumcision that originates and is most widespread in parts of Africa but is shocking to the rest of the non-Shaf'i Muslim world.⁷ Yet this interlocking of customs and religion is such that the average Muslim woman in Sudan, Somalia, and parts of Egypt cannot conceive of being able to retain her Muslim identity if she rejects circumcision.

Bearing this in mind, WLUML is premised on the knowledge that "Muslim laws" extend well beyond legal rights in personal matters to govern the relationship of individuals with the socioeconomic and political environment in which they are concentrically located. Hence, people's lives in general, but women's particularly, are shaped, conditioned, or governed by practices, customs, and laws synthesized into one cohesive whole in which no distinction is made between laws actually derived from Islamic doctrine and those borrowed from outside. In each society this corpus of formal and informal laws in large measure defines in women's everyday lives the possible and the improbable (not to say impossible) at the personal, community, and national levels.

Muslim women, hemmed in by the multiple layers of narrowing identity defined for them by ethnic, national, and religious culture translated into internalized and external laws as well as socio-economic structures and in large part isolated from others, are extremely constricted even in terms of dreaming of a different, possible self-definition that would allow them to retain their Muslim and ethnic identities while increasing their space and autonomy as women. The condemnation of any challenges to existing Muslim laws as rejections of Islamic injunctions and the very concept of Muslim womanhood is a very potent formula for maintaining the status quo, as it implicitly threatens challengers with ostracization. (The same argumentation is used to maintain ethnic or national control.) The fear of being pushed beyond the collectivity of one's nation, religion, and ethnic group - of losing one's identity - militates against initiating positive action for change. Under these circumstances, questioning, rejecting, or reformulating "Muslim" laws is indeed a major undertaking and one that women - isolated as they are and collectively the least powerful social group not just in terms of socio-political and economic structures but also in the vital fields of jurisprudence and Islamic scholarship - are ill-equipped to face.

⁷ In 658 AD a split occurred in the Muslim world over the selection of the fourth caliph into Sunnites (the followers of the Prophet's tradition) and Shi'ites (those who accept only the traditions of the Prophet's family). Both follow specific texts of fiqh (religious knowledge) as sources of the shari'ah. Additionally, Sunni Islam has four major schools of law, developed on the basis of interpretation of theology and law during the first century of the introduction of Islam: Hanafi, Maliki, Shafi'i and Hanbali. The Hanafis are located in Turkey, Sudan, Egypt Syria and Central and South Asia; the Malikis are dominant in North and West Africa; the Shafi'i school is found in Indonesia, Malaysia, Lower Egypt, and parts of the Arabian Peninsula, Central Asia, and East Africa; and the Hanbalis are mostly in Saudi Arabia. On the question of women's rights, status and role, the four schools agree in principle. The differences between them relate to details of legal procedures. [MUMTAZ, 1993, 95]

Where challenging the existing laws is a means of challenging the identity imposed on women in the specificity of their own context, this is possible only if women are able to distinguish and analyze the different strands that have been intertwined in the definition of self imposed on them in their country or community. It is in unravelling these strands that women find the space in which to conceive of new self-definitions and to dream of different realities.

Formation of the Network

It is against this backdrop that the network Women Living Under Muslim Laws was created to break women's isolation and to provide linkages and support to all women whose lives may be affected by Muslim laws. The plural here reflects two equally important multiplicities: that laws formally considered Muslim vary, sometimes radically, from one cultural context to another, and that within any given context, a plurality of legal codes coexist. At the very least, each society has a formal, codified legal system and a parallel system in which customary laws and practices commingle. Further sub-divisions can also occur. Countries may have two formal codes, religious and civil. Similarly two (or more) strands of customary laws may be discernable: the one derived from socio-historical specificity, the other from Islam. These parallel systems are of vital importance to women because the maximum combined impact is felt in family and personal matters that affect women disproportionately and usually in a manner that undermines their rights and autonomy. Frequently the reduced autonomy available to women in such societies is less the result of formal legislation than customary practices, though the opposite may also hold true. Finally, irrespective of the actual specific configuration of the social, political, economic, and cultural environment created by these parallel systems, all too often the whole is presented and internalized as being "Islamic" with the repercussions discussed above.

The formulation of the network's name is an acknowledgment of both the complexity and diversity of women's realities in the Muslim world. A less obvious concern that went into the choice of name is that women affected by Muslim laws may not be Muslim, either by virtue of having a different religion or by virtue of having chosen another marker of political or personal identity. The emphasis in the title and in the group is therefore on the women themselves and their situations and not on the specific politico-religious option they may exercise. As a network, WLUML therefore extends to women living in countries where Islam is the state religion as well as those from Muslim communities ruled by religious minority laws, to women in secular states where a rapidly expanding political presence of Islam increasingly provokes a demand for minority religious law as well as to women in migrant Muslim communities in Europe, the Americas, and Australasia, and further includes non-Muslim women who may have Muslim laws applied to them directly or through their children.

Propelled by concrete, on-the-ground issues rather than the outcome of merely theoretical discourse, WLUML's objectives are to create and reinforce linkages between women and women's groups within Muslim communities, to increase their knowledge about both their common and diverse situations, and to strengthen their struggles by creating the means and channels needed to support their efforts internationally from within and outside the Muslim world. In essence, the purpose of WLUML is to increase the autonomy of women affected by Muslim laws by encouraging them to analyze and reformulate the identity imposed on them through the application of Muslim laws, and by so doing to assume greater control over their lives. WLUML aims to achieve this by building a network of mutual solidarity and information flow; by facilitating interaction and contact between women from Muslim countries and communities, on the one hand, and between them and progressive and feminist groups at large, on the other; by promoting the exposure of women from one geographical area to another in and outside the Muslim world; and by undertaking common projects identified by and executed through network participants. WLUML's initial "Plan of Action" clearly states that "its purpose is simply to facilitate access to information and to each other. Its existence therefore depends on our links and not on the specific activities undertaken or positions held by any group or individual involved in this process" [1986, 1]. WLUML believes that the seeming helplessness of a majority of women in the Muslim world in effectively mobilizing against and overcoming adverse laws and customs stems not only from their being economically and politically less powerful but also from their erroneous belief that the only existence possible for a Muslim woman that allows her to maintain her identity - however that may be defined - is the one delineated for her in her own national context. In fact, the common presumption both within and outside the Muslim world that there exists one homogeneous Muslim world is a fallacy. Interaction between women from different Muslim societies proves that while some similarities may stretch across cultures, classes, sects, schools, and continents, the diversities are at least equally striking. The different realities of women living under Muslim laws, according

to WLUML, "range from being strictly closeted, isolated and voiceless within four walls, subjected to public floggings and condemned to death for presumed adultery (which is considered a crime against the state) and forcibly given in marriage as a child, to situations where women have a far greater degree of freedom of movement and interaction, the right to work, to participate in public affairs and also exercise a far greater control over their own lives". [1986, 5]

Dreaming of an alternative reality is not simply a matter of inspiration, but to a large extent depends on accessing information on the sources of law and customary practices and on the political and social forces that determine women's current reality. Beyond this is the need to belong to a social collectivity. As mentioned above, the fear of being cut off from one's collective identity militates against women challenging "Muslim laws". Therefore, taking initiative against such laws is facilitated if women can be sure of the support of another collectivity that functions as an alternative reference group and, by so doing, may also help women redefine the parameters of their current reference group(s). In this, contacts and links with women from other parts of the Muslim world - whose very existence speaks of the multiplicity of women's realities within the Muslim context - is an important source of inspiration. Likewise, information on the diversity of existing laws within the Muslim world gives material shape to alternatives. Both encourage women to dream of different realities - the first step in changing the present one.

In contrast, an inability to unravel the various strands of an apparently inseparable but, actually composite, identity presented in the name of Islam serves to silence and immobilize women. This silence is deepened by women's isolation in specific environments and their lack of knowledge about their official legal rights - both in terms of Muslim personal laws and/or civil codes and of the source of these laws. Most women remain ignorant of even the basic disparities between customary laws applied to them and the official version of Muslim laws. Action is likewise impeded by women's negligible access to information enabling them to challenge the validity of either type of law, including information about the strategies and struggles of other women in the Muslim world and the discussions and debates that flow from these.

Then there is the political use of Islam. In most of the Muslim world Islam has been used by those in power and those out of it, more often by right-wing elements than progressive forces but inevitably in a bid for political power: for consolidating support or legitimizing force [Mumtaz and Shaheed 1987, 1]⁸. This practice is so widespread as to provoke one feminist to conclude that "not only have the sacred texts always been manipulated, but manipulation of them is a structural characteristic of the practice of power in Muslim societies" [Mernissi, 1992, 8-9]. For women living under Muslim laws, one of the dangers is that politico-religious groups find it convenient to cite so-called Islamic laws already being applied in different Muslim countries in support of their own demands for more stringent, essentially undemocratic or discriminatory "Islamic" laws. For their part, when women can cite examples of positive legislation or their demands are supported from within the Muslim world (though not necessarily from within a religious framework), their effectiveness is strengthened.

WLUML posits that it is only when women start assuming the right to define for themselves the parameters of their own identity and stop accepting unconditionally and without question what is presented to them as the "correct" religion, the "correct" culture, or the "correct" national identity that will they be able to effectively challenge the corpus of laws imposed on them. WLUML is convinced that while controlling women through identity has multiple ramifications - in which religion, nationality, ethnicity and class all come into play - "depriving [women] of even dreaming of a different reality is one of the most debilitating forms of oppression [they] face" [WLUML 1986, 7]. It is the vision of a different reality that propels the reformulation of the present one, and it is here, in opening the doors to a multiplicity of possible alternatives, that the WLUML network hopes to make its most important contribution.

Methodology of WLUML

The network's principal aim being to increase women's autonomy over all aspects of their lives - social and economic, cultural and political, physical and psychological - simultaneously implies respecting that autonomy and accepting that in the struggle for survival, the options exercised or strategies adopted by any one group can and will differ from those of another, even similar, group depending on the particular configuration of circumstances and the analysis that informs their choice. The crux of all WLUML's activities

⁸ Though made by Mumtaz and Shaheed with specific reference to Pakistan (1987, 1), the statement can easily be generalized to much of the Muslim world.

is the tension between identity as an imposed parameter of control and as women's assertion of their autonomy. In this, WLUML seeks to enhance the latter by demystifying the control mechanisms of the former. Exploding the myth of one homogeneous Muslim identity and world is precisely about this.

The means adopted to achieve this are several:

1. Information

WLUML has been collecting and disseminating information on formal and customary laws in the Muslim world, as well as on women's lives, struggles, and strategies. It has collected progressive interpretations of Islam and maintains a growing roster of women's organizations, lawyers, human rights and advocacy groups, feminist Islamic scholars and individual activists. An important aspect has been collecting women's analyses of their own situations in the Muslim world and making this available to other women. An unplanned outcome is that WLUML's coordination office has evolved into a valuable documentation center, as have other coordination points of the network.

Information is disseminated at several levels. Published and collated materials include Dossiers that reproduce academically-oriented articles and information on relevant publications, research and events.⁹ Articles from Dossiers are often translated into the local languages of the network such as Bahasa and Tamil while Pakistan and Bangladesh reproduce entire Dossiers in Urdu and Bangla respectively. Information Kits bring together material on a specific issue, e.g. The Delegated Right of Divorce (Talaq-e-Taweez), or Women in the Qur'an. A Newsheet is produced (in English and Urdu) by the Regional Coordination Office for Asia in Pakistan. Having a more national focus, this links international and national information. Special Bulletins documenting specific issues relating to women, Islam, and laws fulfil a similar purpose.¹⁰ Finally, many of the networking groups produce materials under their own names.

Other than this, WLUML constantly receives a large number and variety of requests for information on topics ranging from violence against women in a particular country or the consequences of a particular law to wider issues such as comparative analyses or Islamic scholarship and jurisprudence on legal issues. It also acts as a resource center, putting people and groups in touch with the people, information, or institutions they need for legal opinions or counselling, support institutions, development programs, research or advocacy initiatives. With this flow of information, action and analysis pass from the local to the international and back again.

WLUML's networking is not limited to either the Muslim world or to women alone. It recognizes the need to build and strengthen links with feminist groups in the non-Muslim world and especially to learn not just from organizations and networks focused on women and the law in their own contexts but also from those working in the field of human rights, providing legal aid services and running shelters, as well as from grass roots organizations.

2. Shared Lived Experiences Through Exchanges

An unusual aspect of WLUML's activities is the conscious promotion of face to face interaction between women from the Muslim world who would normally not have a chance to travel and meet with women from other, culturally diverse, Muslim societies. On this WLUML expresses itself as follows:

As feminists we recognize that the division between the public and private spheres of life plays a critical role in controlling women. Nevertheless while devising and implementing strategies we tend to concentrate on our struggle in the public but we undervalue the enormous potential of change through the private. If in research the value of personal testimonies and accounts is now generally accepted, then by the same logic we should also push for sharing lived experiences being an essential component of our struggle.

In the specific case of women living under Muslim laws, this emphasis on the private and the personal becomes critical since, unlike the differences that may separate us, similarities often relate to the private

⁹ Dossiers are currently produced in English, French, and Urdu.

¹⁰ Special Bulletin titles are: The Erosion of the Judiciary and Human Rights through Legislation (Pakistan) and Fundamentalism and Secularism in South Asia.

and personal domain. Thus for us sharing experiences at this stage is not a question of just creating links and solidarity but an integral part of our struggle. [WLUML 1986, 5]

3. Common Projects

These are identified by the people in the network and reflect their diverse concerns. However the materialization of any given project is dependent on groups and individuals within the network assuming responsibility not only for conceptualization and logistics but also for sharing the task of raising the material resources required with the Coordination Office(s).¹¹

The first common project organized by WLUML (with the support of a sister organization: ISIS-WICCE) was a cross-cultural exchange program in 1988. Eighteen women from fourteen countries who normally do not have the opportunity to interact with women from other cultural contexts spent three months living in a Muslim but vastly different environment from their own. They were also exposed to a variety of resource persons representing a diversity of feminist responses in the Muslim world.¹²

Participants identified future common projects including one on the definition and meaning of feminism in the Muslim context, another on militarization and its impact on women, others on conservative religious groups and the women who join these movements, and one on Qur'anic interpretation by women. The need for this last project flowed from the realization that not only are the varied and contradictory interpretations of the text monopolized by men but they are also the only ones to have defined the status of Muslim women.

In a first attempt to break this monopoly, a Qur'anic Interpretation by Women Meeting was held in 1990 when thirty women activists and resource persons came together to read for themselves the verses of the Qur'an relating to women and to formulate new interpretations. The exercise served to highlight just how different interpretations can be, and encouraged women to question common assumptions.

A current project, Women and the Law in the Muslim World, is highly ambitious. In 26 countries, national projects will carry out a detailed investigation and documentation of women and law to trace the evolution of laws, identify the contradictions between customary and statute law and lacunae in implementation, and will collate the strategies successfully used to increase women's autonomy. An integral part of each national project is an outreach program to extend networking within each country and to promote legal literacy and awareness. National projects are developing teaching materials, animation programs (such as dramas, radio plays, songs etc), and manuals on prioritized aspects of law and women's struggles. At the international level, the final tangible outcome will be a manual indicating, for issues prioritized by national and regional groups, the most progressive legislation in existence, the strategies adopted by women and the arguments (whether religious or otherwise) used in passing legislation to increase women's autonomy. A less tangible but equally important outcome is the strengthening of women's groups and networks in these countries.

4. Solidarity and Support

Possibly the most important part of WLUML activities remains its solidarity work: initiating and responding to appeals for support in instances of human rights violations. These range from collective issues, such as the repeal of discriminatory legislation, the end of oppressive practices, and the enactment or enforcement of legislation favorable to women, to individual cases, for example, where inhuman sentences have been given, women are forcibly married against their will (often kidnapped for this purpose), husbands have abducted their children, and where women's very lives are threatened. As a general policy, unless it is unlikely that the person herself could initiate action (such as the death sentence given to the woman in Abu Dhabi), WLUML does not itself initiate campaigns on behalf of others but responds to requests from local groups or individuals. It recognizes that there are situations where external support may either undermine the local struggle or actually endanger the concerned women. Therefore WLUML relies on the judgment of

¹¹ In this respect, the first common project was exceptional, as it was the collaborating ISIS-Women's International Cross Cultural Exchange in Geneva that raised the funds while WLUML provided conceptual and other resources including sending two network people to ISIS-WICCE for almost a year to help organize the program.

¹² For details, see Women's World Issue on Women Living Under Muslim Laws Women's, No.21-22 (December 1989), ISIS-WICCE, Geneva.

those affected in requesting support. If, however, WLUML is approached directly by the concerned woman or her friends or relatives, or when there is sufficient evidence of violations of women's human rights and the situation is urgent - such as the systematic rape and forced pregnancies in ex-Yugoslavia and the use of rape by Indian law-enforcing agencies in Kashmir - WLUML will itself launch a campaign.¹³ Finally, recognizing that different groups or individuals concerned with a particular situation may differ in their analyses or demands, WLUML simultaneously circulates all the requests it receives on a particular issue, allowing those connected through the network to decide for themselves which position they may agree with most. With respect to family laws in India, for example, WLUML circulated the requests of those national groups seeking one common civil law for all Indian citizens as well as those of groups seeking reform within Muslim personal laws in India.

Over the years WLUML has responded to an ever-increasing number of requests for solidarity action that receive priority over all other current activities. Responding to individual cases extends beyond generally mobilizing international support to include contacting lawyers, identifying support groups, providing shelter, mediating between parties, lobbying with governments and the like. For example, in the case of young women being married against their wishes, in 1988, the coordinated activities of WLUML and Algerian human rights groups and activists succeeded in preventing a forced marriage from taking place. Mobilized groups further assisted in physically relocating the girl according to her wishes. That same year two other cases of young women from the Maghreb were handled in a similar manner.

WLUML's success in finding and retrieving children whose fathers have taken them (usually illegally) from their mothers and ferried them across international borders, often into Muslim countries, has given it a solid reputation with organizations and agencies around the world working to find abducted children. Both NGOs and government offices now refer all kinds of cases to the coordination office. In the latest such case in 1993, WLUML coordinated international efforts involving lawyers and legal cases in France and the United States, and mobilizing expert opinion from European groups who work with victims of imprisonment and torture, to retrieve a young child abducted by her father several years ago. The child has been reunited with her mother but solidarity work will continue until the trauma has been overcome.

WLUML is also known for its work on other kinds of human rights cases and so is asked, on a regular basis, to participate in appeals and actions initiated by other human rights organizations throughout the world from Peru and El Salvador to Kenya or Australia. It has been called upon to provide documentation concerning women whose lives are threatened by either the laws or the prevailing social customs of their country. This may be requested by lawyers involved in political amnesty cases or by the potentially affected persons themselves who need to know the possible repercussions of actions or decisions they may be contemplating.

Sometimes solidarity work involves ongoing campaigns to mobilize international support on more general threats to women such as existing laws and practices. In 1987, for example, the Muslim Women's Research and Action Front (MWRAF) in Sri Lanka heard that the government had appointed a Commission on the Personal Laws of Muslims, in which women were not represented. Fearful that the reforms would curtail women's rights, MWRAF mobilized on two fronts. At the national level it publicized the appointment of the Commission and after lobbying with the government managed to have two MWRAF lawyers included in the Commission. At the international level, through WLUML it circulated a request for information on existing Muslim laws in different countries favoring women in family and personal matters. The MWRAF lawyers prevented the tabling of negative recommendations both by presenting existing Muslim legislation in other parts of the world and by pointing out potential contradictions with international instruments to which Sri Lanka is a signatory (the text of these too was made available through their links with WLUML). MWRAF Commission members were also able to use the materials sent through WLUML to suggest positive legislative reforms for women.¹⁴

Scores of alerts are received every year at different points of the WLUML network, requiring a continuously expanding data base of activist groups, and specialists throughout the world who can be called upon to most effectively respond to a particular situation. In the case of abducted children, for example, solidarity

¹³ In response to WLUML's international campaign on Kashmiri women, the United Nations Secretariat for the Advancement of Women in Vienna has agreed to take up the issue under CEDAW.

¹⁴ MWRAF is confident that its recommendations will be legislated.

work entails activating legal experts in at least two countries and may additionally require the input of social workers, psychologists, etc.

A number of solidarity actions have culminated in the granting of political asylum for women who would be in physical danger if they returned home; in other cases timely referrals to legal aid groups in specific countries has resulted in women being granted custody of their children. In yet others, legal cases have been dropped or proceedings suspended due to international pressures.¹⁵ Clearly, positive outcomes are the result of multiple actors working in concert and the network sees itself only as an enabling mechanism for rapidly mobilizing support and activating the right connections as needed.

Building a Network

Today over two thousand women in approximately forty countries are linked through WLUML. These women have diverse professional and academic backgrounds, organizational frameworks, and political perspectives, but share a commitment to expanding women's autonomy. Most are actively involved in the women's movement in their countries or place of residence. In addition, many are engaged in general advocacy initiatives. An important minority are lawyers and social scientists, but the majority works in development and advocacy programs, often in an integrated manner. Shirkat Gah, which has assumed the responsibility for coordinating WLUML activities for Asia, is a resource center for women in Pakistan that does advocacy work, carries out research and development projects and runs short and long term training sessions. Other similar organizations functioning as coordination points for WLUML are, for example, Muslim Women's Research and Action Front in Sri Lanka and Women in Nigeria (WIN).

WLUML links research groups, media groups and training organizations, grass roots organizations and universities academics, Islamic scholars and legal aid and crisis centers. This diversity is a critical aspect of WLUML's activities since, for example, the information and resource base, perspective and contribution of Ain-o-Salish Kendra, a legal aid center in Bangladesh, is bound to vary from that of Malaysia's Sisters in Islam whose members focus on reinterpreting religion, or that of CADEF in Mali which focuses on health issues. The differences between groups and individuals is what gives WLUML its uniqueness, a channel through which the differences in the lives and strategies of women in the Muslim world can be heard and exchanged.

Initially, most women were affiliated with formal or informal groups, but collective activity is not possible in every country and, indeed, may be dangerous. Therefore an increasing number of women, for example from Sudan, Afghanistan, and Central Asia, maintain individual links. Others are linked individually simply because they do not belong to any organization. These women see in WLUML an accessible system that can connect them with other women's initiatives, provide specific and general information, and be the means for publicizing issues relevant to themselves. WLUML's solidarity work enhances its appeal as a potential safety net, a reassurance that should a woman or group need international support this can be achieved by activating the network.

In the first few years growth was a slow process because in many ways building an international network is a more difficult task than building an organization. The parties linked through a network are geographically dispersed, have their own priorities, and also often have different levels of participation in the network. Some may be more active on certain issues, others in certain periods. For all of these reasons, the WLUML network has not and did not want to grow artificially according to any preconceived blueprint for expansion or activities. Instead it has developed organically through its support and information services, common projects and interactions with others. The original galvanizing force consisted of the initial women's human rights campaigns in 1984. During the course of these campaigns, international support was mobilized and numerous participating individuals and groups from within the Muslim world expressed a need to maintain more regular contact and strengthen linkages. For many years, one woman single-handedly took on the task of translating this desire into a reality: today she is the WLUML Coordinator.

WLUML's own strategies and actions have developed through a process of exchanging and reflecting upon the experiences of multiple and divergent groups and individuals in the Muslim world linked through the network. These range from Marxist groups to feminist theologians, but most are located somewhere in

¹⁵ To ensure their privacy and safety, WLUML's policy is not to reveal names or details of cases without prior approval and knowledge of those concerned.

between. Trying to reconcile such divergent tendencies would be impossible for an ideological or political organization, but a network such as WLUML can provide linkages between them and the means for mutual support. Because of this diversity, WLUML functions in a manner intended to ensure that "each group/individual is fully autonomous in analyzing its own situation and developing strategies according to their own objective conditions and circumstances. HOWEVER [they] draw inspiration from each other, share common objectives and in addition to activities carried out locally, work together on common projects" [WLUML 1990b, 6].

All networks face the challenge of evolving an operational structure that maximizes participation and collective decision-making while retaining the ability to be immediately responsive and effective. Networks cannot and should not determine either the nature or the parameters of activities carried out by those it links, as this would defeat the very purpose for which they are created. On the other hand, for coordination purposes all networks need a secretariat responsive to priorities and suggestions within the network. To facilitate activities and share responsibilities, WLUML has developed a Coordination Group that brings together women responsible for coordinating various aspects of WLUML (solidarity work, common projects and networking). Though this structure allows for both flexibility and collective responsibility, it does not solve the complicating factor of coordinators being dispersed throughout the world and many of them having to do daily battle with inadequate and inefficient communication facilities simply in order to coordinate and respond to (often urgent) requests. For these reasons, alerts that need rapid responses are circulated by whomever receives them in the network and then further circulated by the coordination offices.

Where alerts remain an important catalyzing force in expanding the network, the greatest catalyst in terms of consolidation has been face-to-face meetings that allow for discussion. These form the basis on which ideas are generated, new priorities defined, common projects formulated, and progress assessed. This operational style has existed from the beginning; the participants of the first formal meeting of the WLUML network collectively defined the direction, activities and priorities for the network. Subsequently, each WLUML meeting (whether of the WLUML Coordination Group or of a specific common project) provides an opportunity for face-to-face discussion, allowing for more intensive collective brainstorming: to take stock, analyze, prioritize, and strategize for the future more thoroughly than is routinely possible.

A growing means of expanding and consolidating contacts are WLUML's publications and information services. Particularly important in linking scholars and researchers, these services also act as an outreach mechanism through which activists come into and maintain contact with the network. The debates and information contained in the Dossiers are used by activists in their outreach work, as either the basis for discussions or as background material that informs their action. In addition, WLUML monitors newsletters and reports for information and news regarding the collective and individual efforts of those to whom the network would be of potential interest and initiates contact. Currently, and increasingly, people themselves initiate contact. Newly activated WLUML persons or groups bring with them a new sets of contacts, further extending the network.

The Coordination Office plays an important role in all of WLUML's activities, as it assumes responsibility for ensuring that the relevant people are meeting, strategizing, planning, and acting at the right time. Somewhat like a central nervous system, the coordination office is most likely to know who can help in which situation, whether it is a request for information, the setting up of a project or an alert. The reverse side of this expansion is an accelerating demand for information that the very limited staff in Grabels and Lahore find increasingly difficult to process, especially as the alerts for action are still accorded priority over other matters.

Coordination points, which can be groups or individuals, assume responsibility for further networking within specific countries or geographical areas. At the national level, this provides a channel through which the network is introduced to the other participants in the same country and through which they link up with the network. This ensures that local issues receive international visibility and that international concerns are circulated within national groups that may not otherwise have access to such information.

The rapid expansion of the WLUML network (both geographically and in terms of activities) is even more striking given that it is coordinated on less than shoe-string budgets that barely support its full time coordinator and a minimal support staff in the Coordination Office. A similarly small budget is available for some activities in the Asia Region Coordination Office. WLUML today has a presence and capacity that far

surpass this skeleton infrastructure precisely because as a network its strength lies in the many organizations and individuals it links. Scattered throughout the world these participants contribute their time, energy, and intellect, provide support and contacts, travel and speak on behalf of the network, and continuously send in materials. Over and above the monetary implications, it is this enthusiastic participation that makes the network a living and growing reality.

Because the essence of networks lies in linkages, interactions, and mutual support that bring together different groups and individuals with varying priorities and participation levels, it is clear that at any given point the more active from among them influence the overall direction and image of the network in that period. More specific to WLUML, is the question of its ideological parameters, particularly with respect to the controversial question of Islam. Currently throughout the Muslim world, women's movements are sharply divided on the question of whether a Muslim feminism exists (or should exist) separately from feminism in general and on whether the struggle is to be located in a religious or secular framework. Because parties linked through WLUML vary in their positions on these issues the network can simultaneously be seen as being "too Islamic", but equally be seen as not being Islamic enough (or of consisting of people who "go about Islam in the wrong way"). Perception is naturally informed by a particular party's own perspective but is also determined by which part of the network it has more interaction with and by WLUML's current or most recent common project. While there is no doubt that friction exists, WLUML maintains that each of the divergent trends in the women's movement spread across the more than one billion strong Muslim world can learn from each other, and accordingly, the WLUML coordination offices consciously promote exchanges and inter-flow of information

Some local, national, or regional women's groups with conflicting analyses and priorities may seek to become the exclusive WLUML links in their country, others may want WLUML activities and networking to encompass only like-minded organizations. A few feel that WLUML should only be a network of Muslim women, excluding all those who fall outside such a definition (whether individuals, groups or other networks). From outside the network, a few parties feel that WLUML's activities (especially the human rights Alerts for Action) contribute to a negative image of Islam and Muslims or of a particular country. WLUML has faced such issues in the past and expects to face these and others in the future. It nevertheless believes that its role as a network is to continue to open all possible channels of communication and to be a mechanism through which women living under Muslim laws can access information, solidarity and support.

Despite all the growing pains, there can be no doubt that WLUML has filled a gap by becoming the first network linking so many and such diverse women affected by Muslim laws. Above all else it is WLUML's responsiveness to requests for solidarity action internationally and at the local level through the people it links that attracts women and consolidates linkages. That this was a felt need is obvious from the fact that WLUML has been able to expand to its present strength and that each day sees the network extending to include new women - and men - individually and collectively, human rights activists, development workers, and scholars. Certainly WLUML has surpassed the expectations - though not desires - of the ten women who initiated the process in April 1986 by drafting the first WLUML Plan of Action.

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