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Redefining Muslim Women's Roles in the Next Century

Azizah Y. al-Hibri

Introduction

The new millennium is blowing winds of change over the Muslim world. After centuries of relative seclusion, Muslim women have awakened to their critical role in society and are demanding their right to full participation in the public square.¹ Patriarchal customs are being rejected, laws are being revised, and women are increasingly participating in various aspects of public life. Foremost in the struggle for greater roles in society is the revision of antiquated personal status codes (family laws) that have often deprived women of essential liberties. Revising these codes is not an easy matter because they rely primarily on religious law. Attempts to revise them leave the forces of reform open to charges ranging from sacrilege to secularization.

The recent change in Egyptian law is a case in point. After years of attempting to revise the personal status code for Muslims in Egypt, some basic revisions were both proposed and passed in January of this year.² The process of revision took nine years and involved religious as well as legal scholars.³ Nevertheless, when the revisions were publicized they generated significant opposition.⁴ Claims of secularization and submission to Western pressure were among the charges levied against the Egyptian government.⁵

Muslim countries watched this development intently. One reason for this interest derived from the tense atmosphere that surrounded the passage of the law and raised the question of possible political ramifications. Another reason was rooted in the fact that Egypt is a

leader in Islamic jurisprudence. This fact gave its proposed revisions added significance. For example, the revisions contained a special provision facilitating the right of the woman to divorce her husband (*khul*).⁶ Years ago, a Pakistani judge issued an opinion that provided Muslim women with certain divorce rights similar to those in the new Egyptian provision.⁷ His well-reasoned opinion went mostly unnoticed. Now that Egypt has adopted a similar position in the revised code, the situation has changed drastically.

The difference lies in the fact that, in an important sense, Egypt is the heart of the Muslim world. *Al-Azhar ash-Sharif*, the oldest Islamic educational institution in the world, sits quietly beside a bustling modern Cairo. For centuries it has provided leadership and guidance for Muslims around the world. In January, however, this venerable institution was divided upon itself. Grand Imam of *al-Azhar ash-Sharif*, Muhammad Sayed Tantawi, and many other distinguished religious scholars gave their stamp of approval to the new revisions of the code.⁸ Thirty-one other religious scholars, however, issued a strongly worded statement denouncing the revisions as contrary to Islam.⁹ The parliament quickly passed the revisions, which have now become law.¹⁰

But the battle of the personal status code may be far from over. During the administration of President Anwar Sadat, Law No. 44 was passed hastily by the Egyptian parliament in an attempt to improve women's legal status.¹¹ It was referred to by some Egyptians as "Jihan's law," a reference to the efforts of Mrs. Sadat in having it passed.¹² That law was rejected soon after the death

of President Sadat.¹³ Will the new law face a similar fate ultimately? It all depends. In understanding this answer lies the key to predicting the way the winds of change will blow in the Muslim world to define the roles of Muslim women in the information age.

Obstacles to Change in the Muslim World

In Muslim countries, personal status codes reflect religious law. Religious law, however, is intricately interwoven with deep cultural interpretations and influences.¹⁴ Colonialist rule, which intensified Western legal influence in colonized countries, understood that tampering with the existing configuration would present quite a challenge to occupying authorities.¹⁵ For this reason, it excepted from its ambit family law, naming it in the process "personal status law." Even today, changes in family law continue to evoke a great deal of resistance if society views them as attacks on religion, culture, or family. As a result of the legacy of colonialism, which often destroyed the infrastructure of Islamic education, many Muslims became less educated in religious matters, such as *fiqh* (religious jurisprudence).¹⁶ Struggling to preserve their freedom of conscience, they often opted to cling to tradition rather than venture into new areas of change that may inadvertently be inconsistent with their religious beliefs.

Another complicating element in introducing change is rooted in current geopolitical conditions. Where a third world society (as most Muslim countries are) views change as being imposed by international bodies, foreign governments, or foreign-based or financed NGOs (nongovernmental organizations), it is usually inclined to reject it. For example, this past summer both Pakistan and Egypt cracked down on NGOs they viewed as tools of foreign powers.¹⁷ NGOs have generally succeeded in globalizing various women's and human rights issues. Unfortunately, however, they have been often insensitive to cultural and religious differences. As a result, a great deal of resistance was created abroad to the women's rights movement, which often appeared as a foreign intruder attempting to destroy the family and complete the work of the colonialist.

Muslims have also rejected change that appeared to be imposed upon them by their own rulers. The parliamentary defeat of the right of the Kuwaiti woman to vote was unfortunately as much an expression of defiance in the interest of democracy as it was a rejection of a basic right of women.¹⁸ For this reason, commentaries after the vote both condemned the defeat of Kuwaiti women's rights and celebrated the assertion of the right of the people to a robust democracy.¹⁹ It is quite unfortunate that women's issues are often caught in the middle of other political struggles.

Nevertheless, there is great room for change in the Muslim world. Change has always had its internal rules there. Muslim women and men can go quite far by utilizing these rules. For this reason, the recent Egyptian change in family law is promising as it appears to have utilized some of the better methodologies to bring about change. What the next few years will determine is whether these methodologies were properly applied and adequately pursued.

Challenges Facing Muslim Women

Problems facing Muslim women are diverse. After all, Islam is the faith of over a billion people on this earth. Also, despite common belief to the contrary, most Muslims are not Arab. In fact, the largest Muslim country is Indonesia. As a result of this ethnic and cultural diversity, it is not possible to generalize about "the problems facing Muslim women." Rather, one must take into account the specific country under consideration. For example, while Afghanistan has denied women adequate education, some universities in the United Arab Emirates boast a female student population approaching 80 percent.²⁰ Also, while honor killing is a priority issue in Pakistan and Jordan, it is not practiced in Tunisia or Malaysia. Voting is a priority issue for Kuwaiti women, driving for Saudi women, but Muslim women in other countries have voted and driven for many years.

Despite this rich diversity, some personal status codes have exhibited conceptual similarities on issues that present significant difficulty for women. These issues have subtle but deep-rooted justifications that resonate in