



ENCYCLOPEDIA OF WOMEN AND ISLAMIC CULTURES

Dr. Suad Joseph
General Editor

Distinguished Professor of Anthropology and Women and Gender Studies, University of
California, Davis

<http://sjoseph.ucdavis.edu/ewic>

Secularism: Arab States (excepting North Africa and the Gulf)

2005 EWIC Volume II

“Family, Law and Politics”

By Annika Rabo

If secularism is regarded as a political ideology the aim of which is to remove religion from public political life, then secularism does not fare well in the Arab countries in the early twenty-first century. Political parties and movements, which only a few decades ago publicly advocated a firm separation between religion and state, *dīn* and *dawla*, now keep a low profile in such matters, or have lost their political influence. But if secularism is understood as the process by which “religion” is perceived as separate and different from “non-religion,” then secularism prevails in Arab states and has done so for a long time.

In order to understand how gender intersects with secularism it is crucial to delineate the relationship between secularism as ideology and secularism as a historical process. One obvious link is the legal reforms of the *Tanzimat* period in the late nineteenth century whereby administrative law (*qānūn*) in various fields was separated from religious law (*Sharī‘a*). This continues through the break-up of the Ottoman Empire, the mandate period, and the establishment of independent states. During this period what became Syria, Lebanon, Iraq, and Jordan were secularized. The body politic came to be regarded as independent of the will of God. Educational institutions were set up outside religious institutions, and education was gradually seen to be relevant for other than religious purposes. In most countries men of religion became servants of the state. In this historical process secularism as an ideology was subservient to ideas of national rebirth or development. Women became symbols of the backward nation: just as the nation needed to be liberated, so did women. Religion as such was not attacked but only the effects of “backward” practices or “backward” religion. And, as has been amply shown, legal reform of family law was commonly influenced by European patriarchal notions as espoused in the Code Napoleon, for example. The very concept of personal status law is a direct import from France.

In the 1970s the aim of the Palestine Liberation Organization (PLO) was to establish a secular state in all of Palestine. At the turn of the twenty-first century the Palestinians in occupied territories are at loggerheads in defining the role of religion in a new constitution. This development can be seen as typical of political change in the Middle East where the last decades have marked a move away from secularism toward the increased influence of religion. But is such a characterization really true?

In the post-independence period the nationalist discourse overshadowed all other political discourses in these states. In such a discourse all citizens – men and women – have a holy duty to their country or to the Arab nation. It has been noted that expressions of nationalist movements in many parts of the world are infused with religious vocabularies stressing sacrifice and submission. While class interests were recognized by various socialist and communist parties, the needs of the nation were still the most important. While some parties, notably the communist parties in various countries, claimed that Arab women were downtrodden and exploited, their liberation could come only with the true liberation of the nation. Women therefore had to wait patiently for their rights to be realized, or in the case of the Palestinians, had to obediently serve the resistance. Such misogynist ideas were, of course, not invented in the Arab world, but have been part and parcel of modern nationalist and revolutionary

movements everywhere. The secular vernacular of the PLO in the 1970s, it can be said, was part of a *Zeitgeist*, just as the religious vernacular today is an essential part of contemporary politics. It is also noteworthy that the religious vernacular of today has been shaped by decades of nationalist secular rhetoric.

Thus we need to look beyond the simple dichotomy of secular/religious. We should first of all ask: what are the perceptions of gender in secular nationalist and in religious ideologies? Second, we should seek to understand the relationship between perceptions of gender and gendered policies.

In most Arab states the modern constitution based on secular nationalist ideologies grants women and men equal rights and obligations. Women and men are perceived to be essentially similar. In the religious ideologies of some states and religious opposition movements women and men are regarded as different and dissimilar. While women and men are equal before God they have different rights and duties in society. Hence from an ideological point of view there is a vast difference between secular and religious ideologies. Yet the gendered policies are not simple reflections of these ideologies. Take Syria as an example of a secular state with a nationalist ideology. State employees have the same salary regardless of gender and entry to the university is based on grades and unrelated to gender (thus favoring women). But within the family a Syrian woman is still not equal to a man. Family law is fairly complicated with special provisions for religious minorities. Christians apply the rules of the various churches for marriage and divorce and Druzes have no recourse to polygamy. There is no civil marriage in Syria, and a marriage between a Christian man and a Muslim woman is not legally recognized. Although there have been debates in Syria, just as in Lebanon, about the need to secularize family law, both the Sunnī majority and the various minorities have been staunchly opposed to this.

Leading Christians have voiced a fear over the demise of their congregations and for many of the Sunnī majority the secularization of family law is seen as the work of the ethnic and religious minorities. Due to this sensitivity, the Syrian regime, which is perceived as dominated by non-Sunnī interests, has been reluctant to push for reforms in family law. In 2003, however, more than ten thousand Syrians from all walks of life petitioned to increase the custody rights of mothers. The petition was presented as a bill in parliament, but instead the issue was settled by a presidential decree whereby custody rights were extended but not as far as the bill had suggested. In this way Syrian political leaders could show the world their support for women's rights while avoiding a sensitive public debate in parliament and preventing the conservative opposition from using the bill to make a religious statement. Hence Syria can be said to be a secular state but one in which religion plays a very important role in the gendering of policies.

By Annika Rabo