

Interview

Who defines Islam? "My advice to Egyptian women: do not give way to a government that would force you to choose between your rights and Islam"

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"Egyptian women are lucky in one way. They have witnessed the predicament of Iranian women and seen how the Islamic state has hijacked the Iranian revolution, changed the laws and reversed women's gains. My advice to Egyptian women is "do not give way to a government that would force you to choose between your rights and Islam". I believe that Iran was a lesson for the women in the entire region".

Shirin Ebadi in conversation with Deniz Kandiyoti

Deniz Kandiyoti : The wave of protests in the Arab world present new openings as well as uncertainty and danger. As a defender of women's rights who has been through revolutionary upheaval in Iran, how do you assess the possibilities and dangers?

Shirin Ebadi: I would like to concentrate on Tunisia and Egypt. There are important differences between these cases. The representation of women in civil society is stronger in Tunisia. The Habib Bourgiba government, although non-democratic, helped to promote secularism and changed the laws in favour of women. As a result, the situation of women in Tunisia is more favourable than that of other Arab countries. There are high powered women active in the public sphere. For instance, Sohair Ben Hassan, an extremely progressive and committed woman and one of the leaders of one of the largest Human Rights organisations in Tunisia is also the head of the International Federation of Human Rights (FIDH). It is no accident that when the leader of the Islamic movement in Tunisia returned after twenty years of exile the first thing he said was that he was neither Khomeini nor the Taliban.

Deniz Kandiyoti: What about Egypt?

Shirin Ebadi : When I was in Egypt three years ago I was astonished by the number of young women wearing the hijab., They were saying that their parents were not respecting their national identity, that they had found their national identity. They were against the Mubarak regime. There were also communist and secular movements in opposition but they were easily harassed and couldn't carry on with their activities. But they couldn't prevent the Islamists from organizing- you can't close down the mosques. As a result the non-Islamist opposition grew weaker, and the Muslim Brotherhood is

now the most powerful opposition group in Egypt. But the example of Iran is frightening to the women of Egypt and they do not want to share the same fate. To alleviate such fears the Muslim Brotherhood said that the Egyptian uprising was not an Islamic uprising, but one in which Muslims and Christians have fought alongside one another. It promised to support and to participate in a non-Islamist government. Are they going to stand by their promises? Or will they change their stance if they consolidate their power? It is too early to judge. Egyptian women are lucky in one way - they have witnessed the predicament of Iranian women and seen how the Islamic state has hijacked the Iranian revolution, changed the laws and reversed women's gains. Therefore they will stand up and fight for their rights. I believe that Iran was a lesson for the women in the entire region.

Deniz Kandiyoti: If you were to give a piece of advice to the women's movement in Egypt, what would this advice be?

Shirin Ebadi: My most important piece of advice to Egyptian women is "do not give way to a government that would force you to choose between your rights and Islam". Do not let them put you in that bind. Governments that invoke the name of 'Islam' in their self-definition will face people with this dilemma and this false choice. They will say "either you are Muslim and accept our laws or you are not Muslim". That is exactly the way the government has operated in Iran. When you face someone who comes from a very religious family with this question, she gets a bit hesitant. Therefore, we must not reach a point when a government can accord itself the right to pose this question. Getting to understand Islam well and encouraging women to learn different interpretations of Islam is important. So when governments tell women "this is Islam", they will be well-equipped to counter their arguments.

Deniz Kandiyoti : Yes, but surely there are authorities who speak in the name of Islam such as the ulama. Women can get educated but will they have any authority?

Shirin Ebadi: It is quite natural that the discourse of the ulama is a paternalistic discourse, but we have to be equipped with the same weapons to be able to prove that Islam can be something different. They may have political power and reject women's interpretations, but bear that in mind that we are addressing the Muslim people. It is the Muslim population that has to be convinced that they can remain Muslim and have different laws and ambitions. This is the only true way to challenge the legitimacy of the conservative ulama since they get all their power from the people's obedience. There is also the fact that part of the ulama will take the people's side, and they will provide interpretations that the people accept. That is exactly what happened in Iran when very high ranking ulama offered interpretations that were totally against the official government line. People have understood that the government does not have a monopoly over Islam, and that is the beginning of people's awakening.

Deniz Kandiyoti: Do you think that the women's movement in Egypt and platforms for women's rights will be able to form broad alliances?

Shirin Ebadi : If Egyptian women see their legal rights endangered, they will definitely get together, they will unite. It was the same in Iran. At the beginning of the revolution there were some people who were not even happy to talk to me. But now these same women speak articulately and with an even more radical voice than mine! Experience shows that when women face tyranny and injustice, they will become united.

Deniz Kandiyoti: Let me act as the devil's advocate here. There are modern constitutions in many Arab countries that accord men and women equal citizenship rights, but when you look at personal status laws, you see that women do not enjoy equal rights in matters of inheritance, divorce or child custody, not to mention the issue of polygamy. It is therefore

possible to argue that women are already deprived of equal rights, and yet this has not galvanized a momentum for unity.

Shirin Ebadi: Let me correct you on this point. None of the constitutions of Islamic countries accord women equal rights. Because there is always a clause that states the laws are conditional upon conformity with Islam. So the constitution may have the appearance of equality in terms of citizenship rights but in reality the laws remain dependent upon the shar'ia and the shar'ia gets interpreted by those in power. The main question that has always been unanswered in the constitutions of these countries is "who defines Islam"?

Deniz Kandiyoti: Now we are witnessing the drafting of new constitutions. As a lawyer do you think that it is possible to draft constitutions that are able to address the inequality of women?

Shirin Ebadi: It all depends on the political process and how politics plays out. It goes without saying that constitutions should be approved by the majority of the people. Political parties have an important role to play in this respect but the problem in countries under despotic rule for years is that the political parties don't have that much power and the development of politics has been truncated in general. On the other hand, you must also bear in mind that you can't achieve ideal rights in a society in one go; it is a step-by-step process. Take what happened in Afghanistan. They wrote a new constitution and gave women a quota in parliament. They did this to bring women out of seclusion into the political world. But we saw that when one woman MP came out to talk about women's rights in parliament, the other MPs forced her out. In reality, the quota for women has lost its meaning. It is possible to imagine that we can write an ideal constitution. But are we going to achieve the ideal situation with a change of law? I doubt it.

Deniz Kandiyoti: So you are basically saying that the law can only become reality when society is sociologically ready for it.

Shirin Ebadi: Yes, naturally. Because I am a lawyer, I like to talk about the role of law, but law should only be one step ahead of the culture of a society in order to bring improvement and progress. In other words, the rule of law should serve to improve society - and for that very reason it can only be one step ahead. That is why laws that are more than one step ahead get wasted, they remain on paper. For that reason, those rewriting laws must have excellent knowledge of their society and make sure they do not set unattainable goals.

Deniz Kandiyoti: As a human rights lawyer I imagine you endorse the gender equality goals set out in international standard setting instruments. Do you believe that it is possible to close the gap between the rights accorded to women in universal human rights frameworks and the current legal frameworks of Muslim countries?

Shirin Ebadi: Yes, but this can only be a gradual process. Take a society like Bahrain or Libya where polygamy is commonplace. How can you change that law overnight and ban polygamy outright? The first step is to pass a law that stresses that the Qur'an foresees this practice only when absolute justice can be established among spouses, and justice does not only consist of money and material support but also love and care. Therefore, polygamy could remain with more stringent conditions and the woman whose husband gets another wife should have the right to get a divorce. This is not an ideal law, in fact it is a long way from being ideal. But it is the first step. These limitations can condition society and make it more receptive to accept further changes. If they want to change that law overnight, a lot of men will get married anyway and won't record it, and the women will remain silent. I repeat: we can write a law overnight, but what would be the fate of this law? Would it find favour among the people? The duty of a lawyer is to know the society well that it is writing the law

for, and at the same time bear all the human rights criteria in mind in order to steer the society in that direction.

Deniz Kandiyoti: When you say “society” is not ready, do you actually mean men are not ready? Do you think that many women would object to a law restricting or banning polygamy?

Shirin Ebadi: Yes, polygamy is dangerous but men like it! Let me ask you a question: where does patriarchy come from? Does a man only learn it from his father? Has he not seen that his mother has obeyed and that her reaction was to go and cry quietly? Unfortunately, one of the bearers of patriarchal cultures are women, even though they are the victims of it. I compare this to haemophilia, a genetic illness passed from mother to son. Patriarchal culture is conveyed in the same way from mother to son. My argument is: don't treat human beings as victims but tell them it is their responsibility to fight this culture. When you see women only as victims, you forget their responsibility.

Deniz Kandiyoti: One final thought. You have been talking about the necessity for a gradual process of legal reform. But this process has been going on for a very long time now. For instance, the Ottoman Civic Code proposed as long ago as the end of the 19th century made polygamy more difficult and conditional on the approval of the first wife. Similar reforms have been going on in many parts of the Muslim world. But Khomeini was able to reverse all these efforts overnight.

Shirin Ebadi: No, it did not take Khomeini one day to make these changes. If it had taken one day, people like me wouldn't be here. Where would I come from? The law changed because they had political power. But society didn't accept it. For that reason, people took their lives into their own hands and fought against it. At the beginning we were not a very large number for two reasons. One was a political reason. The left and some secular parties were saying that this was no time for discussing these matters, that these were marginal issues that would distract us from our main objectives. The biggest left wing party in Iran, the Tudeh party, told women to wear the hijab. You may be surprised but initially hijab was not compulsory in Iran, only women who worked in government bodies had to wear it, but in the street we could be unveiled. During that period, there was a young girl who was selling the Tudeh communist party paper and she was wearing hijab. Whenever I used to pass her I used to tease her by saying "I will buy your paper if you take off your hijab" I teased her so much that she went and stood on another corner! But the second reason is that there were fewer educated women compared to now, and the majority were mainly traditional women. Gradually the traditional women came out of their homes and modernity was born on the streets. A woman who comes out on the street cannot be suppressed. A woman who goes to university cannot be suppressed. When a woman works and has her own wages she cannot be suppressed. Therefore, gradually our supporters increased. Women who at the beginning were our enemies are now more radical than I am and I am happy about it. I used to feel lonely at the beginning of the revolution. But now I think we are the majority. The pro-Khomeini faction has never succeeded. His culture has not been consolidated but enforced at the point of a gun.

Deniz Kandiyoti: You mention the political dangers of secular parties claiming that women's rights are a secondary matter and that this is not the right time to put them on the agenda, and also the passivity of some of the traditional women in the Arab world. Do you think that in order to become more militant they have to go through the same process of politicisation as the women in Iran?

Shirin Ebadi: There is no need for human beings to reinvent the wheel. We can learn from one another. We can look at Iran and see what happened there. In this respect communication comes as

a great help. It is for that very reason that dictators hate open communication.

Deniz Kandiyoti : So are you optimistic about the prospects of women's movements and women's rights advocacy in Tunisia and Egypt?

Shirin Ebadi: Yes, I am optimistic. Although I believe that the situation in Tunisia is somewhat better I am also optimistic about Egypt. They will eventually achieve equal rights. They have a period of campaigning ahead of them, this will naturally take time. But eventually it will happen.

Deniz Kandiyoti: Do you see a day when there will be demonstrations of women asking for equal rights with men coming and walking along with them?

Shirin Ebadi: Yes, certainly in Iran. I had some male clients who came to women's demonstrations, got arrested and went to prison. The fight for women's rights and democracy are parallel. They are two sides of the same coin. And women who fight for equal rights are part of the fabric of democracy. Iranian men have understood that. They know that the victory of women's rights is the beginning of democracy.

Deniz Kandiyoti: Women were mobilized during the protests in the Arab streets. They were out there in Bourgiba Avenue in Tunis and Tahrir Square in Cairo. But this has happened before. What guarantee is there that they will not be invited back into their homes after regime change?

Shirin Ebadi: There is no guarantee. This has been the experience of Iranian women who have been fighting for their rights for a century now. The only guarantee is the will of the people in their search for freedom.

P.S.

* From : Open democracy.net, 21 March 2011:

<http://www.opendemocracy.net/5050/shirin-ebadi/shirin-ebadi-who-defines-islam>

* Shirin Ebadi is an Iranian human rights lawyer who was awarded the Nobel Peace Prize in 2003. In 1975-79 she served as president of Tehran's city court, but was forced to resign after the 1979 revolution. In the 1980s, she founded the Association for Children's Rights, and was briefly jailed for her exposure of plans to assassinate dissidents. Among her books are The Rights of the Child: a study of legal aspects of children's rights in Iran (1994), and The History and Documentation of Human Rights in Iran (2000).