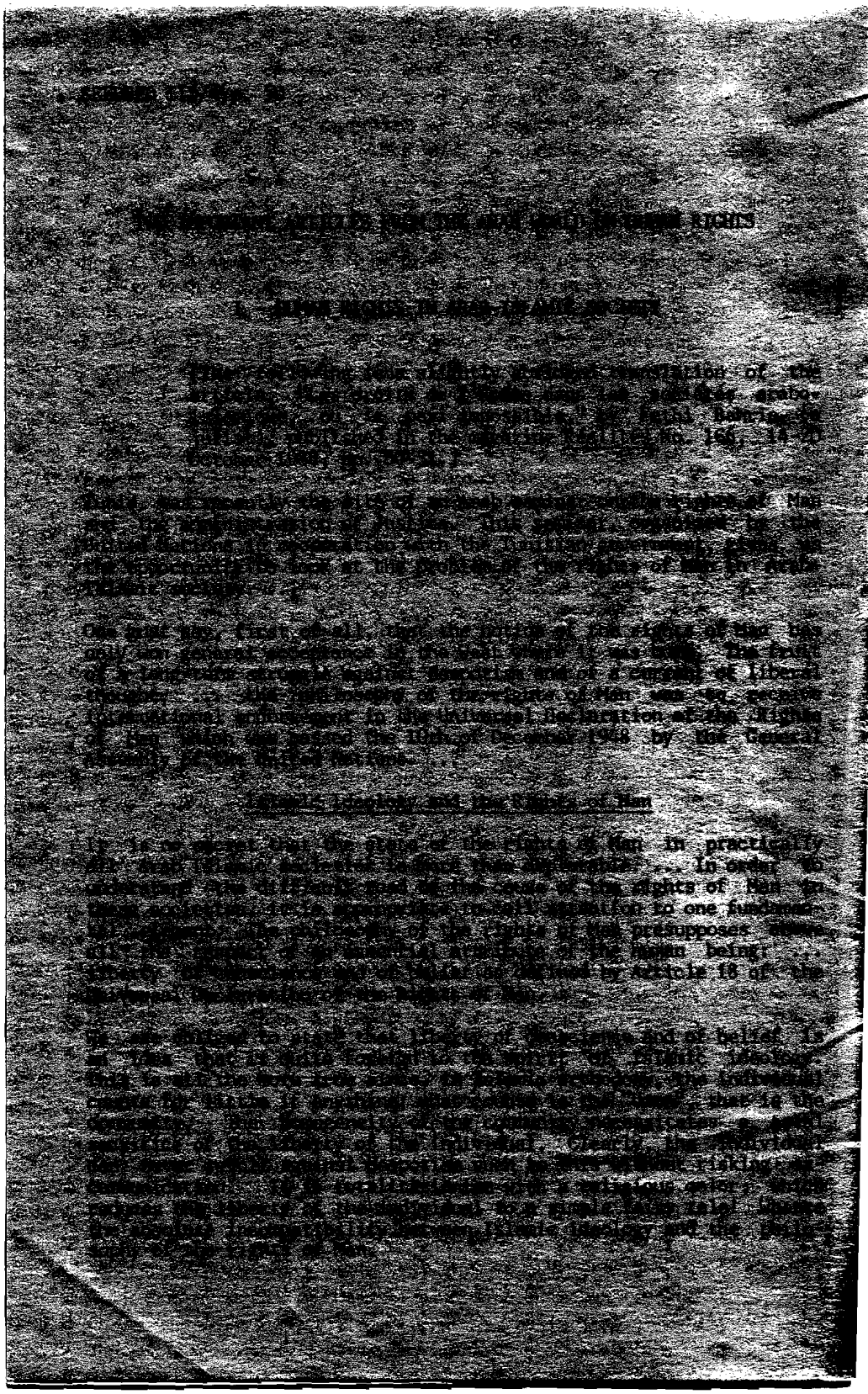

In these conditions, it is normal that one should question the advisability of having organizations that are supposed to defend the rights of Man in Arab Islamic societies. To tell the truth, there is nothing that would not lead one to think that the cause of the rights of Man in these Arab Islamic societies is only in the last analysis a pet hobby for certain persons who have no gift for anything else!

The Tunisian Example

In 1985, the Tunisian League for the Rights of Man thought it good to adopt a charter inspired exclusively by what it called "the principles and values of Arab-Islamic civilization," as if there were not already a Universal Declaration of the Rights of Man which is supposed to take priority over all other positions on the subject! Clearly, this organization is only a League for the Rights of--the Arab-Muslim Man. The rights of a Tunisian Jew or Christian, or even an atheist, do not seem to interest the League!

What is worse, the Tunisian League for the Rights of Man which, it seems, likes to play the tight-rope walker, ended up betraying the ideal of the rights of Man by caving in to the intellectual terrorism of the squadrons of obscurantism. The League sacrificed then and there Articles eight and nine of the aforesaid charter, which enshrined liberty of conscience and of belief, as well as liberty for the Tunisian woman (this eternal public enemy number one of Islamic ideology) to choose her spouse without any discrimination, whether racial, confessional or other.

I would like to open a parenthesis here on the question of the right of the woman to choose her spouse, if only because the cause of the woman must not be made a special "case" as certain reactionaries treat it. Every blow against the rights of the woman is a blow against the rights of the individual, whether man or woman. That is why it is preferable, to avoid all ambiguity, to speak ... of the rights of the person.

Article five of the Tunisian Personal Statute Code raises an impediment against a Tunisian woman, an Arab Muslim woman that is (as if a Tunisian woman or a Tunisian man could only be Arab Muslim!), being able to marry a non-Muslim man. Such a marriage is null and void. In 1967, however, the Tunisian Parliament ratified the Convention of New York of 1962, which guaranteed to the woman the right to choose her spouse in all liberty, without religious or racial discrimination. In this respect, it is worth mentioning that the Tunisian constitution, as is the case in France and elsewhere, stipulates that international treaties duly ratified take precedence over internal law. Juridically, that means that the internal law must conform to the letter and spirit of the international treaty ratified by the competent authority, even if the treaty in question is found to be in contradiction with the internal law.

Consequently, Article five of the Personal Statute Code should no longer be in effect since 1967; this should have been an established fact for the cause of the rights of Man in Tunisia. Alas, the contorted sequel to this question since 1967 is worthy of a best seller! Not only have things remained as they were, that is Article five is still in force, but worse yet, in February 1973 the Minister of Justice ... sent out a circular, which has no compelling force juridically, addressed to civil state offices, enjoining them to abstain from concluding any marriage contract between a Tunisian woman and a foreigner, as long as the latter has not pronounced the "Shahada," that is as long as he has not embraced Islam. No comment! What is most troubling about this ... is the complicity of the League in its silence on a question which bears directly upon the rights of Man, especially the rights of the woman.

Before closing this parenthesis, it should be stressed also that the Tunisian League for the Rights of Man is too politicized. They cannot understand that the notion of the rights of Man is an apolitical notion. Certainly, the individual has political rights which must be defended. The political rights are none the less the minor part. There are also economic rights, social rights, etc. There cannot be peace for example for those who live in destitution and in fear!

Some Conclusions

This being the case, it would not be at all unjust to maintain that, outside its bases on the Atlantic, the philosophy of the rights of Man has unfortunately no chance of flowering or surviving. Thanks to its liberalism, to its Greco-Roman heritage and to the inexhaustible riches of its Judeo-Christian civilizing values, the West has succeeded in lifting up the condition of Man by ensuring the total inviolable protection of the inalienable rights of the human being. Liberty, dignity and equality, these are the fundamental components of every civilizing work as concerns the rights of Man. This, and this alone, was the price the West had to pay to realize its moral and material development.

Finally, in conclusion, let me close with the following two remarks: First, it is essential to stress the fact that Arab-Islamic culture has considerable difficulty accommodating any idea of the rights of Man. It cannot be otherwise when one knows that the negation of the right to differ and intolerance constitute, in Islamic ideology, two deep-rooted constants. Secondly, like it or not, Islamic ideology is suited to the Arabs and to Arabs alone. It is therefore limited in space, which constitutes a salutary factor for the cause of the rights of Man for the entire human race.

II - SEPARATION OF POWERS IN THE ARAB WORLD

[The following is a slightly abridged translation of the article, "Laicité et droits des femmes," by Hafidha Chekir [a teacher in the Law Faculty], which was published in the Tunisian newspaper La Presse, 6 March 1988, p. 7. It was written out of the author's concern that gains in women's rights in Tunisia are in danger of being swept away by fundamentalist pressure for a return to Shariah law. What interests us about the article is not the little said about women's rights, but rather her study of the "Religion of the State" clauses found in the constitutions of the Arab World and her interpretation of certain provisions in terms of a separation of powers. Whether or not her interpretation will receive general acceptance by Muslim legal authorities is an open question (even doubtful), but it is certainly thought-provoking.

The separation of powers (Fr. - "laicité") seems to be much in demand these days when the woman sees her status menaced by the rise of the fundamentalist ideology that glorifies the past. This ideology demands a return to the Islamic society of the time of the Prophet and the application of the Sunna in its entirety, without regard for the accumulated evolution of fourteen centuries. This intransigence leads it to refuse all possibility of openness and of interpreting the Qur'an and the Sunna in accordance with the circumstances of society and of its evolution at the present time. But the woman feels equally menaced by doubtful campaigns orchestrated by certain publications ostensibly to protect public morals and morality.

For this reason, the separation of powers appears to be the sole remedy and ultimate solution that will allow the woman to keep what she has gained. Throughout history, the separation of powers has appeared as a battle horse which led to the distinction between the temporal and the spiritual, the religious and the political, in respect for the freedom of religion. This distinction has made possible the enactment of rules or juridical principles which are not necessarily from a given religious system or of divine origin. (...)

Two Types of Constitutions in the Arab World

On the basis of a survey of their constitutions, one can distinguish two types of Arab-Muslim States:

- States which declare Islam to be the State religion (Algeria, Tunisia, Iraq, Democratic Yemen, Morocco, etc.)

- States which declare Islam to be the State Religion but add that the Shariah constitutes the "essential" or "main" source of legislation (Sudan, Syria, Kuwait, United Arab Emirates, Bahrain, Egypt, etc.)

Within these two main types one can find nuances of greater or lesser importance. Thus, in the first group, in Morocco for example, it is expressly stated that the King is "Amir al-Mu'minoun" [commander of the faithful], descendant of the Prophet. In Tunisia, the President of the Republic must be Muslim. But all adopt the principle of the freedom of religion and in addition provide the means to protect the free exercise of religion.

What then does "Islam, religion of the State" mean in these cases? According to certain studies, this formula does not mean that Islam is the only religion allowed to be practiced, but rather that it has a privileged status in comparison with other religions. It also expresses the State's attachment to Islamic values more than to other values, especially universal values.

The Interplay of Political Forces

Certain authors, such as Pierre Rondot, think that in a country where the big majority is Muslim, "to provide that the President of the Republic must be Muslim is, in practice, absolutely superfluous, because the interplay of political and sentimental forces will inevitably lead to that result. But such a provision is considered necessary because it testifies to the superiority of the Muslim community and entails a general homage to Islam. It's a sort of prestige clause" (La laicité en pays d'Islam, Paris: PUF, 1960).

This idea is confirmed by the example of Lebanon. In the Lebanese constitution of May 16, 1926, because of the number of religions and their more or less equal importance, there is no State religion. On the contrary, the absoluteness of freedom of religion and the role of the State in guaranteeing and protecting all religious persuasions is insisted upon (Article 9).

The expression "Islam, religion of the State" can only signify the non-separation of religion and politics and the subordination of the one to the other when it is accompanied by others referring exclusively to religion. Thus, in the constitution of Bahrain of December 6, 1973, in addition to the reference to Islam as State Religion, it is stated that "the Shariah of Islam shall be the principal source of legislation" (Article 2). The same provision is specified in the Syrian constitution of March 12, 1973, in which Article 3, Paragraph 2, states that "the Islamic fiqh [jurisprudence] is the principal source of legislation." Article 2 of the Egyptian constitution of Sept 11, 1971, specifies that "Islam is the religion of the State and the principles of Islamic legislation constitute a principal source of the law."

In our country [Tunisia], however, the expression "Islam, religion of the State" must be accurately and exactly understood. I note that:

1. There is no explicit reference to religious principles, nor is preference given to religious sources over against others.

2. The religious affiliation requirement is stipulated only for the President of the Republic (Article 38 of the Constitution).

3. References to Islamic values receive the same treatment as other values in the Preamble. At the same time, stress is placed on:

- consolidating the national unity and remaining faithful to the human values which constitute the common heritage of peoples who are attached to the dignity of man, to justice and to liberty, and who work for peace, progress and the free cooperation of nations.

- remaining faithful to the teachings of Islam, to the unity of the Maghreb, to membership in the Arab family, and to cooperation with peoples who fight for justice and liberty.

It is essentially in the realm of family law that there is a clear reference to religion. The Personal Statute Code rests on an innovative reading of Islam as concerns the provisions relative to the abolition of polygamy and the consent to divorce. But it takes the side of orthodox Islam as concerns the provisions relative to the dowry, conjugal relations, the authority of the father, or inheritance.

What may we deduce from all this? The reference to religion is there but only in specific areas. If Islam is mentioned as the religion of the State, it is to mark the superiority of the Muslim religious community over others. This does not at all mean that matters referred to the State, to the institutions and to legislation must be in accordance with the Shariah. The State is areligious (laïc), the institutions are areligious, and the legislation is essentially areligious, whether it concerns men or women.

CHRISTIANS WITHIN MUSLIM COMMUNITY:

A REVIEW ARTICLE

by Colin Chapman

[The following was published as a book review of Beyond the Mosque, Christians Within Muslim Community, by Phil Parshall (Baker Book House, Grand Rapids, MI 49506, USA, 1985. 256pp. $9.95) in the British Christian magazine, Evangel, and is reprinted with the author's permission. Our interest in the article lies in what the author has to say about the question of how Christians who have come out of Islam should relate, as a community, to their society of origin, in the light of the ideological nature of Islamic society and the barriers this raises.]

This book must surely be required reading for anyone interested in Muslim evangelism today. The author has worked for more than 20 years in Muslim countries, and having already had many opportunities to engage in the academic study of Islam, wrote this book during a semester as a Fellow at Harvard University.

The basic question he tackles is one which has been widely discussed in recent years: "Is there ever a converging set of circumstances that will allow converts to remain members in good standing within Islamic community?" His answer is that Muslim converts can hardly continue, for example, to join in the prayers at the Mosque, because the ritual is so closely associated with Islamic beliefs, theology and religious practice; they therefore need to move "'beyond the Mosque', physically as well as spiritually." If only we can learn to "lessen the peripheral offense and distance between Muslims and Christians," it may then be possible for converts to "continue within the mainstream of life in a Muslim society, yet distance themselves from things compromisingly Islamic." In this way they can avoid "persecution and expulsion from Islamic ummah." (i.e. the total community of Islam).

While it is difficult to disagree with the main thrust of the argument or with the conclusions, there is one curious but significant omission in the whole argument. The Law of Apostasy is referred to briefly and indirectly, but is never discussed in detail. This may well be deliberate, since Parshall's analysis and his own experience lead him to be optimistic: "There is a fairly broad range of tolerance and intolerance among Muslims. The Sufis of Northern India may well be graciously accepting of a convert who seeks to carefully continue within the ummah of his birth. In other more radical areas of the Muslim world, it may be extremely difficult to maintain continuity with Islamic society once a commitment to Christ is made. Difficult, but I trust not impossible."

Generalizations can be dangerous, and much will depend on where one has worked in the Muslim world. Sadly, my own experience which has been largely in the Arab world, doesn't justify quite the same degree of optimism. So is there any truth in the saying that the further away one moves from Mecca, the less pure the Islam that one sees?

It may be, however, that the problem goes deeper than this. Parshall's refusal to tackle the Law of Apostasy means that we are never forced to ask how the conversion of a Muslim to Christianity appears in the eyes of the Muslim community. What does traditional Islamic Law have to say on the subject? If traditional Islamic teaching is upheld and applied, is it ever possible for converts to think of themselves as members of the Islamic ummah and members of the Body of Christ - both sociologically and theologically - at one and the same time?

Although no one in his senses should be advocating a return to the old "extractionism," I personally cannot easily forget the experience of one particular Egyptian Muslim convert. After I had been trying for many months to persuade her to remain within her own community, she exploded: "You missionaries have absolutely no idea what you are asking us to do! You foreigners have no conception of the subtle pressures to which I am subjected within my own family...." What happens, therefore, if and when going "beyond the Mosque" means being rejected by the Mosque, and going "to him outside the camp, bearing the disgrace he bore...." (Hebrews 13:13)?

FEEDBACK ON SIRA: A CORRECTION

by the Editor

The solicited feedback that we received relative to David Owen's article on Project Sunrise (Sira) [Vol. II, No. 4--1987] was published, collated and summarized, in Vol. III, No 2--1988, along with several editorial conclusions. Subsequent feedback has revealed a piece of misinformation that calls for correction.

On page 29, I included a quotation from one respondent who reported from a reliable source that when Sira was sold at a book fair in the gulf, "Muslims attacked this translation so strongly that the bookstand was almost closed down." I have since learned that this is a distortion of the facts. According to Owen, "there was one Muslim Shayk who confronted us about the book, but in a polite manner. But afterward, a number ... who had listened to the conversation apologized for the comments of the Shayk ... . We sold 120 copies of Sira. The bookstand was NOT 'almost closed down'." My apologies for the incorrect information.

BOOK REVIEWS

Kenneth Cragg. Muhammad and the Christian, A Question of Response. London: Darton, Longman and Todd (Maryknoll, New York: Orbis Books L8.95. Reviewer: EAM

In this book, Dr. Cragg ventures a response to the question of the Christian view of Muhammad. The reticence of Christians on this subject is puzzling to Muslims, who think that because they "respect" Jesus (i.e. by acknowledging him to be a prophet), Christians would similarly respect Muhammad. This study offers one view of a resolution to the problem.

The book is divided into nine chapters which cover every aspect of the question. After an introduction to the main issues and considerations, there are two chapters on the historical and political dimensions of Muhammad's prophethood, followed by two on his place in Sufism (Muslim mysticism) and in traditional Muslim thought. The remaining chapters deal with the nature of the Qur'anic revelation and its content, Biblical criteria which bear on the question, and finally, the author's own view on the matter.

The author introduces his study of "The Prophet in His History" with the Qur'anic statement (68:4), "Truly you have the very stamp of greatness," underlining the fact that from the beginning Muhammad had a self-awareness of his task as prophet. Other verses in this same surah speak of his vocation, the scriptures, his preaching, the hostility of those who heard, and his vindication. It is clear that there is a unique partnership of message and messenger, of historical setting where it began and to which it all returns "to a scripture via a biography and a biography with a scripture." The Qur'anic revelation is strictly limited to the 23 years of Muhammad's vocation; it begins with his call to "Recite" and ends at his death. God addresses Muhammad alone. Any due reckoning with Muhammad must therefore reckon with the Qur'an.

In his fascinating study of "The Political Equation," Cragg brings out the fact that, according to Muslim historians, Jihad is a necessary part of a prophet's mission; "Verbal propagation is not only incomplete: it compromises, if not corroborated by the power-form of group solidarity politically operative" (Ibn Khaldun). Hijrah is seen as essential and the first step to recovery of Mecca. What evolved was "a personal religious 'submission' to God" on the one hand, and "a visible political 'submission' to Islam" as a "rule" of law, and then an empire, on the other. Cragg concludes that there is an "irreducible disparity" between the approach of Muhammad and that of Christ. For the one, the way to victory was through power and force; for the other, it was through suffering and love, the way of the cross. I appreciated Dr. Cragg's sensitivity to the Muslim viewpoint and to his difficulty in seeing faith as possible without political institution and visible communal structure.

I found the chapter on the Qur'an the most interesting. Cragg argues that though Muslims think God could not possibly be vulnerable to man, the very idea that God summons man to worship Him and sends prophets seems to imply that God is not indifferent to man's response. The glorious theme of creation in the Qur'an, man being made God's Khalifah, likewise does not speak of indifference. Many will be uncomfortable with the idea of letting the great 'positives,' as he calls them, be shared, of interpreting the great themes of Qur'an in such a way that they take on more or less Christian meanings. This leads up to the chapters on "Deciding by the Gospel" and to Cragg's own conclusion with reference to Muhammad.

Probably most readers of SEEDBED will not be able to accept Cragg's "positive, critical" response to the question of the prophethood of Muhammad. We would do well, however, to carefully study what he has to say about it, and know where we differ and why. This book is the most comprehensive and authoritative treatment of the subject to date. It is not always easy to follow his intricate reasoning. For most people, it is not wise to use the Qur'an to present Christ. But I was impressed with his idea of pointing out that yes, God is vindicated against pagan idols, and all forms of idolatry and self-worship of all types in our everyday lives, and that human sin is more often a flouting of God's sovereignty than plural worship.

Elizabeth W. & Robert A. Fernea. The Arab World: Personal Encounters. Garden City, NY: Anchor Books /Doubleday 1987. Reviewer: E.A.M.

This is a rewarding and highly readable book, by two well-known sociologists, which is very helpful for understanding the cultures and peoples of the Middle East. The different chapters describe what the authors experienced and observed, and personal relationships they had developed, in certain cities or areas of the Middle East at different times in their careers. The time period is from 1956 to 1983.

After the chapters on a given city or place, there is a "Comment" section describing the political, economic, or social conditions of that area/country or its relationships with the West. The authors express their feelings and frustrations with great honesty, sharing both good times and bad. Some parts may make the reader uncomfortable, as the book is not pro-western. You should put this book on your 1989 reading list to make you more aware of the strengths and creative abilities of the Arab peoples to battle against the odds and develop their own culture.

Following the introduction, there are two chapters on their experiences in Beirut, Lebanon (1956. etc. 1981). The authors comment on the transformation of Beirut from an oasis in a changing difficult Arab world to a city in a suspended state of siege. The occasion was Elizabeth's return to make a film of women in the PLO camps.

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The chapter on Amman, Jordan, occasioned by a visit with the King (1981), contains fascinating details of the history of Amman. Next is a chapter on Tripoli, Libya (1979). The authors had been invited by the Arab Development Institute to see the country and write a book about the new socialist state. Here is an interesting comment on "Unity and Diversity in Islam." ("Orthoprax is a far better term than 'orthodox' to characterize Islam, for right practice rather than right theology is primary." p.82).

After Sanaa, (North) Yemen (1981), we next visit Rashadiya Refugee Camp, South Lebanon (April and June 1981). This is the most exciting part of the book. The purpose of Elizabeth's visit to Rashadiya was to make a film on Palestinian women in the war zone. The camp was later destroyed. The chapters on Marrakech, Morocco (1971, 1976 and 1982) are very personal; the authors talk about friends they made there, and how these were faring on later visits.

The chapters on Egypt and Nubia give a very helpful commentary on the country, as well as its people. The first goes back to the early days of the republic (1959) and the Nubian project, when Nubians were moved to make way for the High Dam and Lake Nasser. It ends with a comment on "The Domestication of the Nile." The next, which describes changes observed in a later visit, ends with a comment on "Religious Fundamentalism" (i.e. the Muslim brotherhood). The chapter entitled "Hail, Saudi Arabia" (1983) relates Robert's experience as an anthropologist in the desert, conducting economic and demographic surveys among the Bedouin in the Emirate of Hail. He had also been there in 1963. There is an informative comment describing the delicate role of "The Anthropologist in the Field."

The book ends with two chapters: The West Bank, Israel (1983), and Baghdad and Al-Nahra, Iraq (1956, 1983), and a Conclusion. The chapter on the West Bank has an informative comment on "Arab Leadership"; it describes Arab styles of leadership--e.g. that of Arafat--in comparison to Western styles of leadership.

Other worthwhile books by the same authors:

by Elizabeth W.: A Street in Marrakech; A View of the Nile; Guests of the Sheik; Middle Eastern Muslim Women Speak.

by Robert A.: Nubians in Egypt; Shaykh and Effendi; Symposium on Contemporary Egyptian Nubia.

Fatima Mernissi. Doing Daily Battle Trans. by M.J. Lakeland. London: The Women's Press Ltd. 1988; Bouthaina Shaaban. Both Right and Left Handed. London: The Women's Press Ltd. 1988. Reviewer: E.A.M.

These two books are studies on women in the Arab world based on interviews. Mernissi is a Moroccan sociologist, and author of Beyond the Veil: Male-Female Dynamics in a Modern Muslim Society. Her present book is based on interviews with women in Morocco. Shaaban is a teacher of English literature, Syrian by birth, who has taught in several countries in the Arab world. She gathered her interviews from Algeria and the Middle East.

The first book was originally published in French under the title Le Maroc Raconte par ses Femmes [Morocco seen through the words of its women]. From 100 transcripts of interviews taped over a period of time, Mernissi chose eight for the book. Each covers the interviewee's childhood, schooling, marriage, children, perspective on birth control, and work--in the home, on the farm, and outside the home.

The first two chapters describe harem life in the city of Fez--one from a very early period, the other more recent. Then there is the story of Zubaida and her struggles for an education which she herself failed to achieve but was able to realize in her daughter who became a lawyer. The story of Dawiya and her daughters brings to light the lot of the woman working in various factories, and the strains it places on the family.

The chapter on Habeba, the psychic, is a good study of folk Islam in Moroccan society, and of a woman involved in the supernatural. The author remarks that the supernatural is more approachable in shrines where spirits speak in the dialect of the people. The interview with Khadija Al Jabliya, who went on the Green March into the Western [Spanish] Sahara, is about a woman who works abroad. Next there is the story of a Berber girl who married and moved to the city with her husband, and found herself struggling with the alien culture of the big city; like several others who were interviewed, she went to the "saints" for help. A final interview concerns a child bride whose story portrays life in a fantasy world and an inability to cope.

The book depicts the Moroccan woman as a "race of giants doing daily battle against the destructive monsters of unemployment, poverty, insecurity, and degrading jobs." The interviews show that the typical North African stereotype of women as objects--objects who are beautiful and sexual, require an upkeep provided by their husbands, and are weaker than the male, needing the strength of the male--are not really true. Women are economic agents and see themselves as giants; not even one called the man strong.

The second book, likewise a collection of interviews, shows once again that the stereotype of the Arab woman--as passive, compliant, the weaker sex and dutiful wife--is not the whole picture. Many are

brave fighters, and bold thinkers with original minds. The author begins with a bold chapter, entitled "An Arab woman saying NO," and some autobiographical information. Unlike the first book, each chapter groups together several interviews from a given country--Syria, Lebanon, Palestine, and Algeria. There are more interviews but they are shorter.

The issues dealt with in the book are: a) The woman's position in relation to men--are they their equal, or inferior? b) Their struggles--in life, school, the work place, marriage, etc. c) Change (several older women tell of changes they experienced). d) How they compare themselves to the European woman (most view the European woman as having a position not to be desired).

Dr. Shaaban is not as conservative as Fatima Mernissi in the topics discussed. Many sexual issues are included, even lesbianism. Many of the women interviewed are in politics, or hold high positions in the work force. Some are writers, poets, wives of officials, in the Army, etc., while others have average jobs. Thus, the range of the interviews is greater than in the first book, but the life of those interviewed is not covered as thoroughly.

Both books increase our knowledge of Arab women and how they live. The first book focuses on their role as economic agent and supporter of the family, whereas the second focuses more on their achievements and contributions to Arab society, and on how they have organized themselves to challenge the world, the world of men.

NOTICE: SEVERAL SIGNIFICANT PUBLICATIONS

I - A NINTH-CENTURY ARABIC BIBLE: TEXT AND TRANSLATION.

Along with the feedback received on Project Sunrise, we received word of a publication that will be of interest to some of our readers, as well as to Bible translators and Biblical scholars. It is the earliest known dated Arabic translation of the New Testament. It contains the Pauline Epistles, Acts, and the General Epistles; only the Gospels (originally in a separate codex) and the book of Revelation are missing.

The only manuscript of this translation, dated 867-1034 A.D., is in the library of the famous St. Catherine's monastery at Mt. Sinai. Of interest to Bible translators for Muslims is the fact that Islamic forms are used to translate some Biblical terms, forms which Protestant translators of the last century preferred to avoid, along with much of the standard ecclesiastical Arabic of today's translations. For example, the basmalah is used at the beginning of some of books of the New Testament.