

Marriage, Family and Society – a Dialogue with the Islam

Konrad-Adenauer-Stiftung e.V.

Umschlag nach einem Entwurf der Druckerei Paffenholz, Bornheim,
unter Verwendung von Fotos von Henning Lüders und Getty Images

Übersetzungen Deutsch/Englisch Belinda Dolega-Pappé

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Nachdruck – auch auszugsweise – allein mit Zustimmung der Konrad-Adenauer-
Stiftung.

Printed in Germany.

Gedruckt mit finanzieller Unterstützung der Bundesrepublik Deutschland.

ISBN 3-937731-65-2

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Preface

Gerhard Wahlers

The political meaning of marriage and family is not only an issue of the domestic policy of the Federal Republic of Germany. They have also to be addressed within the framework of international co-operation when it comes to entering a dialogue on the social political cohesion of different ideas about the social order. Because it is not only in Germany, France and the USA that Christians and Muslims live together next door, but also in Turkey or Egypt, in India and Indonesia. Especially when dealing with the value orientation of these countries, functions of family life may give an important clue for integration and social coherence of the respective societies.

Not only in Western Europe, but also in Islamic countries has the family often been called a “germ cell of society”. This, of course, at first glance

applies to the just born individual who does not only experience protection and security but who also learns his first role behaviours and makes his first experiences of social responsibility. Moreover, however, it does also apply to the society which is only able to guarantee stability and security if people live together on a foundation based on humanity, solidarity and democracy. And finally, it also applies to the state as a whole. On the one hand, the family lays the foundation for the state which the state is not able to establish on its own activities, on the other side it has to assume an enormous political responsibility for the family.

Compared to this demand, social reality where today family life is represented seems to be broken in various aspects. This problem can be observed on an international level in a similar way as in Germany. In every area mentioned, we face diverse problems which force us to rethink those political tasks which may involve the family and which may be possible for it. For international co-operation, such an understanding is above all a concern when we want to talk about shared goals, basis values and social political developing opportunities. Such a dialogue is especially for those countries and regions an indispensable orientation support that are marked by clearly different cultural and religious value guidelines. As at the moment, we are deepening this dialogue especially with Islamic countries which attach to family life a vital social importance and social political embodiment as we know it from the Western Christian tradition, this issue has just appropriately to be addressed.

The texts of this volume are contributions which have partly been reviewed and which were delivered at a conference under the same title which took place on September 8, 2005 at the Academy of the Konrad Adenauer Foundation in Berlin. This conferences had been prepared and was held in close co-operation with the Christian Islamic Meeting Documentation Centre (CIBEDO) whose manager Dr. Peter Hünseler I wish to extend my gratitude to.

The most important goal of this shared conference was to give a new impetus to involve those who have assumed responsibility in the Muslim and Western Christian world into a dialogue on concrete political problems and to raise understanding for points of view of the other side. This being so, it was not about arguing in theoretical terms about what divides both sides or what they have in common. Rather both sides were called upon to jointly develop new proposals for solutions. And finally, at a social political level, it was about recalling that family policy must not only be understood as population policy but that it actually means social structural policy. I am confident that we have made progress in approaching these goals. ■

Berlin, October 31, 2005

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Introduction

Helmut Reifeld

Marriage and family belong to the oldest and most widespread social institutions. For many people, they are core elements of human development as well as for the social cohesion of society. In this respect, the value that is attributed to those two institutions is primarily dependent on the perspective of the observer. The range of possible assessments which we do not only encounter in the German public ranges from purely pragmatic and utilitarian views to those which regard marriage and family as the most important fundaments of any social order due to religious or just cultural civil reasons. If than different ideological positions confront each other, the topics of marriage and family may be a good occasion in order to enter a conversation on things we have in common and things that divide us.

But what are the real values which are associated with the topic marriage and family? The sober, socio-politically interested observer understands it above all as guaranteeing an adequate number of children in a society in

order to ensure that an exceeded percentage of elderly people is avoided and that it will thus be possible to offer future generations the same life prospects as today's generation. The second reason which, again and again, is mentioned in the context with family policy is an equal integration of women in professional life. In this respect, a fair standard of life based on partnership is to contribute to offer both marriage partners the same development opportunities without the need to buy them for childlessness. Against this background, it is legitimated to speak about an "economic charm of the family".¹

At a basic and normative level, you are able to find totally different value assessments. If, for instance, article 6/1 of the Basic Law states: "Marriage and family enjoy the special protection of the states order", normative guidelines of the constitutional order of the Federal Republic of Germany are being addressed.² Udo Di Fabio, Judge at the Federal Constitutional Court, has described these normative fundamentals in a comprehensive way in his recently published book. Marriage and Family as institutions are given a key position in this respect, they seem to be the "typical meaning of human existence".³ Moreover, from this value-conservative view, the family constitutes the "most original social cultural community with a genuinely universal claim". Even if some socialist countries, from time to time, have tried to undermine these institutions, they have never managed to eliminate them, let alone to compensate them. Though the idea of the family as a private refuge has a primary "civil" character according to Di Fabio, but, at the same time, it belongs to the substance of a free society. The more the state provides additional services, the more it undermines this freedom. Ones own children do not only constitute the responsibility of the parents, they also provide a personal sense of life and create an indispensable prerequisite of freedom for every individual."⁴ However, not everybody would dare to claim that those who have children draw their consciousness more from the care for the future than those who are only responsible for themselves.

It is different from most individualised communities of the West that in the Muslim's point of view, it does not only seem to be favourable to have children but that it is essential for their existence as a rule. While public discussions in Germany on the topic of family are normally determined by worries on the demographic development, special focus is often laid on totally different and more complex aspects in the international context. It is especially in the Islamic world that family as a social institution has often a very central importance which almost seems to be inseparable from every individual being a person. But it is not only concerning the development of the individual but also the society as a whole that the family may have a stabilising as well as a destabilising function here and there.

Issues of the dialogue

The issue of this volume is placed at the interface of two problematic areas. Firstly, these are questions of social integration and the coexistence of totally different interest groups which have always, at any time, found a broad public interest. Secondly, it is the dialogue and examination with Islam. The issues of marriage and family apparently seem to be left at the second position behind the topic of terrorism.

If the issue concerns questions about the relationship between state and the individual, we find almost no other area where so many problems are accumulated as in the family. Does the family still significantly determine society, or is it vis-a-versa, does society determine the family? Does family primarily provide a place of freedom for the individual? Or has it meanwhile become an object of state interests in the light of focussing on the alarming demographic development in Germany? Does today the family still contribute to resolving problems? Or has it become a relic which has lost its former functions and which is allowed to be laughed upon because of its obsolete normative claims?

Such questions are asked in a similar way in Western and in Islamic countries but they are answered differently.⁵ In most Islamic countries, rather than in Western ones, the family seems to be still a shelter of tradition and of the religious core society. In Germany, family also constitutes a refuge for many Muslims where they can live in accordance with their personal ideas of faith in a secular world. This, of course, applies to women quite differently than to men so that you will find in this volume that questions about what family today still constitutes, and questions on gender positions have to be answered differently. Assessing the manner as to how people have to behave themselves in order to comply with the regulations of Islam in everyday life, there are also clear differences between the assessment of female and male Muslims.

The expectations that are placed in the family or not placed in it are therefore a genuine political issue. This does not only apply to those who bear political responsibility within a state or cultural group but, above all, within the framework of an inter-cultural or inter-religious dialogue. Addressing such a political issue and driving it forward in view of finding new common ways to solutions belongs to the pivotal tasks of a political foundation.

Within a dialogue with Islam, the issue should not only be to discuss the form and theological guidelines which today still determine or should determine the family. It should also not be about the importance religion plays for the family's self-understanding and for the protection of the family. Because self-understanding that prevails in Western states is likely not to be determined by religious but by liberal and secular considerations. However, in order to face Islam as a religion with an adequate position, it seems to make sense to refer to explicit Christian positions, even if it might no longer represent the whole Western society. However, the following literature is rather to discuss concrete political problems the family institution is confronted with at the beginning of the 21st century from an Islamic and a Western Christian point of view. The texts written by Bourqia and Mir-Hosseini make clear that, from a Muslim point of view, this has not prima-

rily to be done on the basis of religious terms but also primarily of political and social scientific terms. Independent of the kind of how a question is asked, the following areas of problems can be distinguished:

At the level of the individual, there are questions concerning the change of gender roles within marriage and family, on the role parents play in bringing up their children, especially concerning values, and on dealing with alternative role patterns.

At the level of society, it concerns questions of social integration, the compatibility of family and profession under labour market conditions and social security systems. In this context, we will also have to raise questions of how social integration might be supported or inhibited by religious expectations.

At the level of the state, it is particularly about political legal questions and those concerning the grounds of financial transfer services. Therefore, we ask: "What is the family worth to the state? What rights does it have to intervene? What are the most striking differences in various states?"

Contents and positions

Although the following contributions can not only be assigned to one of these problem levels but rather address their topic overlapping it many times, this order is in line with these three steps. The first four texts primarily deal with the marriage and family institutions immanently, which means either from a Christian or an Islamic perspective. This is done with the purpose of creating starting conditions for the dialogue itself. This being so, the first two text try to analyse the situation of the family in the 21st century. Both contain the tension between social reality and normative claim as certain red thread.

From a Catholic point of view, Auxiliary Bishop Franz Vorrath begins his considerations with two observations: On the one hand, our society proves

to be still dependent on the marriage and family institutions, on the other hand, in contrast to this, marriage is increasingly devaluated and the family faces structural disadvantages. While the individual faces more and more pressure from outside to develop individual forms of life and thus responds with a decreasing willingness to establish ties, at the same time, we can observe that young people, who are looking for such forms of living, tend more and more to longing for the definite state. At the normative level, it is marriage and family that most meet this human basic need of the definite state which means “love, security and support”. Family is the place of becoming a person and of being integrated in society for the first time. Therefore, in the long term, this model has to be defended against the undesired side effects of modernisation as a “precious cultural asset” for the individual as well as for the society as a whole.

The overview provided by Rahma Bourqia on the situation of the family in the Muslim world today shows the difference of the problems that are involved. Though she also distinguishes the normative level of social reality, she has a much more critical point of view concerning original norms and she is prepared to give social change much more credit. Bourqia describes normative being the interpretation of marriage, family and gender roles that are involved, which have almost exclusively been interpreted by man over more than 14 centuries. Hence, any change regarding the assessment of the family had been a consequence of a discussion on women. Today, in this respect, she sees totally new opportunities in many Islamic countries to meet social change also from a theological assessment. This especially applies to questions on women’s socialisation, economic and social framework conditions for marriage and a stronger position of children. Using Morocco as an example, she points to the dynamic change of the law (of the definition of marriage, law of inheritance, ownership by partners and the prevention of polygamy). Against this background, she is convinced that it is possible to transform the Islamic understanding of marriage and family in the 21st century without losing elementary, established values.

What of this original understanding of the family is precious and worthwhile to be preserved is described in the following text by Mohamed Haddad. It is already in etymological terms that the range of meanings of family is very open and broad. He includes the whole area of protecting, maintaining and caring for another circle of people who belong to a family. While integration and solidarity were given priority by this original open concept of family, the modern conception of a nuclear family has just been developed within the course of modernity and urbanisation. Haddad concludes that Islam in the 21st century will not be able to avoid to touch Western modernity, which is extremely over-individualised, but it will not be forced to go every single step on its own. The more Muslims are able to loosen themselves from negative excesses (like the one of polygamy or expelling women), which have been developed in the course of legitimisation, the more it becomes an indispensable dialogue partner of the West.

From a Christian point of view and from his broad experiences within family life, Michael Hannich than points again to the fact that the established values handed down for marriage and family have not lost anything of their validity. By using short sympathetic words, he describes from his point of view what it means to call family the “life cell of society”. Imparting social values which this way can be realised gains even more prospect to become successful if it is based on an understanding of marriage which does it not only consider as something practical for life but as something that is also based on partnership in the sacramental sense.

The situation in Germany

The following three contributions by Hamideh Mohagheghi, Nedeem Elyas and Barbara Huber-Rudolf deal with questions on the co-existence of Muslims and non-Muslims in Germany as well as with issues of social integration. First Mrs. Mohagheghi purely objectively describes the ideal conception of marriage and family in Islam. According to this view, marriage

is a contract based on civil law which regulates the life a woman and man live together. Within the family, the “germ cell of society”, basic rules of human beings living together are learnt and practised. Thereupon, she confronts this “theory” with a reality which is marked by an overemphasised individualisation and by almost unlimited free movement to which the individual than responds by an increasing disability to establish ties. As Muslim families are not only exposed to this reality in Western but more and more also in Islamic countries, they respond by showing more and more concern and resistance. Not only many Muslim parents but also young people react to this situation by trying to protect their family community against this life reality which is perceived as being a threat. As a consequence, exaggerated reactions very often occur, as for instance arranged marriages, the prohibition of getting married to non-Muslims and of entering “marriages purely based on love”. The only resort Mohagheghi sees is opening, open-mindedness and mutual respect which can be found in a common debate on values and which has to lead to shaping a society based on partnership.

On behalf of a part of Muslims who lives in Germany, Nadeem Elyas formulates some expectation placed on family policy. These expectations are especially targeted to the areas of education and upbringing, which play a key role in integration. In the light of the alternative whether this integration performance has to be delivered by the state rather than by families, he is in favour of a deeper commitment of the state as otherwise families would be pushed beyond their capacities.

From her long experiences in the area of the inter-religious dialogue, Barbara Huber-Rudolf examines a broad range of practical problems of social integration. According to her premises, the esteem of values with regard to the family is similar in all three monotheistic religions. Marriage and family are models of a community of human beings who travel on the same road, thus enabling every individual to establish close ties. Within the family, not only moral values are being imparted. If practical tasks are distributed in a just way, children learn to assume social responsibility at the

same moment. The opportunities of every new generation to learn personal responsibility and self-determination within one's own family deserve any kind of support. Therefore, Huber-Rudolf is particularly concerned about acknowledging family work and gainful employment work as equal ranking activities. Family policy has, first of all, to focus on the compatibility of family and profession. It must not deprive people of freedoms but it has to open new opportunities for a form of living with children. Only then can it claim to be part of a successful order policy.

The state and the individual

Finally, the third category of contributions deals with particular political aspects in the Islamic world as well as with the role and special responsibility the state assumes in regard to marriage and family. The outset is made by Hasan Karaca who compares the relation between privacy and public life in Turkey and in Germany. In its original sense, the privacy of every individual in Turkey was directly and comprehensively embedded in the family environment. As such one formed an area for something that is protected and sacred at the same time which, strictly speaking, was not allowed to be presented to the public. It is not surprising that this picture is in stark contrast to a fast individualising and globalising society like that in Germany. As "modern" society has lifted almost all barriers of the private sphere, everyone who regards his privacy as something protected and sacred has to protect it not only against the public but also within the public. As the Western way of life and models of family life are also becoming popular in Turkey, the Turkish state has to make more and more endeavours to find a balance of these tensions.

The issue of particular difficulties regarding the situation of women in the Muslim world is afterwards addressed by Ziba Mir-Hosseini. Although justice and equality of all people are original Islamic virtues, women had often been treated like second class human beings for many centuries. In the

course of a world-wide inexorable modernisation and democratisation, however, she thinks that there are good opportunities to improve equality for women in Islam. While, in the last decades, women had been faced with the alternative to make a choice between their faith and equal gender role, it seems today that reconciliation is in sight in many respects. Mir-Hosseini discerns in many Muslim countries a “new Islamic feminism” which has freed itself from contrasts that had been handed down between the religious and the secular, or between the oriental and the occidental, and which instead relies on universal human rights and equality before the law. In this regard, it is vital that this law must not be understood as something essentialised, nor non-historical, or even patriarchal. If the road towards this point is travelled jointly by women and man based on equality and partnership, than it will be possible to open new opportunities for jointly shaping marriage and family.

The concluding contribution of this volume was written by Elisabeth Jünemann who, firstly, asks questions about the function of the family and its social performance, following clear and convincing thoughts. Secondly, she asks for the factual reaction shown by the state in response to this performance, with the purpose to thirdly turn to contemplating what should be the reaction of the state and politics in order to do justice. Jünemann’s starting point is the description of the family as the only place where the human being is accepted as a whole with his unity of body, spirit and soul. Just as Auxiliary Bishop Vorrath, she forcefully points to the fact that this “complete consideration” does not only constitute an indispensable value for the individual but also for the state and society. Although the state is able to compensate partial functions which certain families are not able fulfil. Its esteem towards the family, however, should derive from realising that the state’s community is and will be dependent on the family. If this “debit demand” is acknowledged, a variety of concrete individual demands directly occur. They can be summarised in the idea that also social and political performance of the family one day will be recognised as a normal and equal professional competence in general.

Findings of the discussion

Many of the attitudes presented here provided an impetus for a comparison between the Christian-Western and the Islamic understanding of marriage and family in the society. However, it is natural that questions, remarks and critics with regard to these contributions cannot easily be summarised. However, if one is a little bit prepared to accept abstraction, a summary of the following three areas might be possible.

A **first** area concerns the consent on the traditional importance of religion for understanding the family and thus the character of an inter-religious dialogue. The question about what value of the family institution is assigned as a whole to the individual, to the society and to the state community cannot be answered by evaluating demographic indicators, nor by complaining about high divorce rates. It still demands answers that are also based on religion. It became clear again and again that the religious consciousness is a vital power for both Christians and Muslims which also expresses the importance of marriage and family as well as their determined objective and social sense.

This is not only done in formal or external terms but it does also concern the contents. For both religions, marriage and family have a high normative value which is most essential for the individual just as for the society. In almost all texts, it becomes obvious that religiously influenced expectations that are placed on marriage and family are of vital significance just as they may be a catalyst of social integration. Decisive importance is attached to the sense given by religion and not to the personal or social function. It is especially in the areas of marriage and family that it becomes clear that religious faith may have a stronger influence on the way of living of individuals than social ideas or political models of other kinds. Although marriage and family are only an aspect of the individual or social life, it is but for both a central aspect which significantly determines the value of being a human being for the individual as well as the fellowship of society.

A **second** area addresses the fundamental willingness to acknowledge the real diversity of different positions. This does not only mean a plain call upon tolerance but it also requires the acknowledgement that there is no religion or culture – which means also not one’s own – that may have a uniform, homogeneous understanding of the importance of marriage and family. Both cultural circles, the Christian-Western just as the Islamic one, have influenced and fostered the formation of communities, which until today are established as the marriage and family institutions, in a diverse way. Regarding their original influences, marriage and family may be considered as being much more older than the modern state and thus put before it. Within this normative and, in the end, theological understanding, marriage and family emerge before the state. In reality, however, they are today the product of a multiple network of social, cultural, ecological and national influences. This, of course, also includes religious and civil influences, namely in structural terms in the Islamic world which is definitely similar to the one in the West. In both cultural circles, the understanding of family is nothing given by nature or an anthropological unit but a network of relations which responds to changes of the environment. And these changes, more than ever before, have been determined by society and politics because in a modern, pluralistic society, the state has much more comprehensive tasks than in traditional, homogeneous societies.

The texts compiled here, of course, do not allow to make a comprehensive final assessment. But they give a good impression of real diversity of the importance of marriage and family in both cultural circles. Though marriage and family constitute an area that has not sufficiently been addressed so far within the dialogue between the Western and the Islamic world but as this dialogue shows the really existing diversity on both sides, it may contribute to counteract essentialised views that suggest religious norms could be developed in an autonomous way independent of its pluralistic environment.

While it might not be very difficult to find understanding among the politically interested public in Germany for a diversity of existing conceptions

of the family in the West, one essential result of this conference had to make clear that there is a similar diversity also in the Islamic world. If they are not only perceived as being normatively different and unfamiliar, than we will open the eyes for the diverse performances in regard to changes and integration that have already been realised by Islam in different parts of the world.

A **third** area concerns the spectrum where new opportunities of how to resolve problems that occur in the social coexistence between Christians and Muslims can and must be found. Though the problems that partly emerged again at the forefront were the ones of honour killings and circumcision of women, which are often criticised with justification, even if these are just marginal examples that represent Islam, as well as polygamy. Nevertheless, it also became obvious that there are clear legal solutions for these problems and that they do not require an inter-religious dialogue. For a further development of this dialogue, it was rather important that it became clear that it is not only in the West but also among Muslims that, apart from religious arguments, more and more secular and human rights arguments are being given priority. As increasingly Muslims do also no longer primarily use religious arguments, the inter-religious dialogue, which has been launched at various levels, may and will also have to be continued within primarily political, sociological and legal dialogues.

Future initiatives on the dialogue should no longer primarily look for a compatibility of ideas of faiths. But it is more vital to jointly find solutions on how to resolve conflicts of co-existence. Many times questions were raised about the extent to which standards of values that have been developed within families might contribute to social integration. On the other side, it would be possible to ask, as Karaca does it, to what extent the interest by society is allowed to enter the traditional model of the family and thus the private sphere. It was mainly agreed upon the fact that imparting elementary values has to be provided as a basis by the family. But is it legitimate to intervene in imparting of values? In various lectures as well as in

the following discussions, a consent was found with regard to the fact that it is only the respect of human rights that can provide the required framework.

It is obvious that the dialogue is able to contribute to the issues marriage and family. On the one hand, it may increase the respect of different priorities, on the other hand, it may anchor the consent on minimum standards that are based on human rights. By acknowledging human rights, as they were first formulated in the Western enlightenment and later in 1948, embodied by the United Nations in the “Universal Declaration of Human Rights”, we do not only create a space of security for every individual but also for the human communities of marriage and family. The attempts made by the Islamic side to formulate, in contrast to the human rights individualism of the West, their own human rights grounds based on Qur’an may be read in addition but they can not replace universal human rights.⁶ It is especially in the light of the position of the family, that these attempts, by the Islamic side, to primarily give reason to human rights by tying up the individual to the community and his social duties with regard to this community, are a precious support. Though they might not give reason to social duties in legal terms (effect on third party), but in ethical and moral terms they are justifiable and may serve as a bridge between the Islamic and the Christian-Western world.

Because these Islamic attempts to give reasons to the human rights of the individual, above all, on the basis of his community with others and thus of the family community also find approval by the Christian side.⁷

New solutions for problems of social integration might, above all, appear if all people involved contribute to comprehensively meet existing legal opportunities and thus universal human rights. In the case of conflicts, aspects of religious or cultural traditions have than to step back. For a peaceful co-existence of the people, it is decisive that human rights are being acknowledged in general and by all sides, even if there might be different reasons for doing so.⁸ Many contributions to the discussion and

complementary remarks that were made during the conference, showed that, after all, there is no alternative to human rights as essential standards for resolving concrete problems in the areas of integration of marriage and family into the society. ■

Anmerkungen

- ¹ Ristau, Malte, *Der ökonomische Charme der Familie*, in: *Aus Politik und Zeitgeschichte (APuZ)* June 6, 2005, p. 16-22.
- ² Concerning the background compare: Irene Gerlach, *Politikgestaltung durch das Bundesverfassungsgericht am Beispiel der Familienpolitik*, in: *ApuZ*, January 21, 2000, p. 21-31; Franz-Xaver Kaufmann, *Staatliche Sozialpolitik und Familie*, Munich 1982; and, *Herausforderungen des Sozialstaats*, Frankfurt 1997; Heinz Lampert, *Priorität für die Familie. Plädoyer für eine rationale Familienpolitik*, Berlin 1996 and Helmut Reifeld, *State Interest in the Family: Social Change and Social Policy in Germany*, in: Margrit Pernau, Imtiaz Ahmad and Helmut Reifeld (Eds), *Family and Gender. Changing Values in Germany and India*, New Delhi 2003, p. 224-241.
- ³ Udo Di Fabio, *Die Kultur der Freiheit*, Munich 2005, p. VI.
- ⁴ *ibid.*, p. 135f., compare also p. 140-163.
- ⁵ Regarding the respective background, make the topical comparison with: Christine Henry-Huthmacher (Hrsg.), *Leise Revolutionen. Familien in Zeiten der Modernisierung*, Freiburg/Brsg. 2002, as well as: Rita Breuer, *Familienleben im Islam. Traditionen – Konflikte – Vorurteile*, Freiburg/Brsg. 1998.
- ⁶ In this regard compare: Abdullahi Ahmed An-Na'im, *Islamic Foundations of Religious Human Rights*, in: John Witte (Hrsg.), *Religious Human Rights in Global Perspective*, vol. 1: *Religious Perspectives*, Den Haag 1996, p. 337-359, and: Lorenz Müller, *Islam und Menschenrechte. Sunnitische Muslime zwischen Islamismus, Säkularismus und Modernismus*, Hamburg 1996.
- ⁷ Compare: Friedrich Wilhelm Graf, *Die Wiederkehr der Götter. Religion in der modernen Kultur*, Munich 2004, p. 211-225, above all p. 214.
- ⁸ In this regard, also compare: Abdullahi Ahmed An-Na'im, *Toward an Islamic Reformation: Civil Liberties, Human Rights, and International Law*, Syracuse 1990, He refuses to reduce human rights by Shari'a, instead he shows that Shari'a might also be interpreted by Western individualistic human rights conceptions.

The role of the family in the 21st century

A Christian point of view

Auxiliary Bishop Franz Vorrath

For the Catholic church, the dialogue with Islam is a “vital necessity on which our future depends to a great extent” (Benedict XVI.). Current events and discussions show that one of the areas most focussed by this dialogue are the cultural and religious ideas in the field of marriage and family. However, again and again, there are doubts that emerge about whether we are on the right path concerning the dialogue with Islam in Germany, especially the Christian-Islamic dialogue. Terror and problems with integration are assessed being indications for a dialogue of which is said that it has been ineffective, failed or wrongly carried out. The Catholic church does not share this negative assessment. I am happy to see that Pope Benedict XVI. has unequivocally made this point clear during the World Youth Day

in Cologne. According to the Pope, this dialogue must not be limited to a seasonal decision.

The Catholic church in Germany is committed to the dialogue involving its representatives responsible for Islamic relations within the bishoprics as well as numerous initiatives on the spot, an own under-committee called “inter-religious dialogue” and its specific office CIBEDO. Within these dialogue initiatives, contacts and encounters between parishes and mosques in the district are as much as important to us as conversations on questions with regard to certain contents. It is only if we make progress in both areas, the one of dialogue on life and the one of dialogue on theological exchange, that we will manage to achieve a dialogue of action, a dialogue where Christians and Muslims jointly commit themselves to the wellbeing and freedom of all people in a just and peaceful world. This is an ambitious goal we should keep an eye on in order to remove any impression of randomness from the Christian-Islamic dialogue. In this respect, the topic ‘marriage and family’ we deal with today plays a key role from a Christian point of view. The Second Vatican Council states in this context: “The wellbeing of the individual person and of both human and Christian society is closely bound up with the healthy state of conjugal and family life” (Pastoral Constitution *Gaudium et Spes* on the Church in the Modern World [1965], No. 47).

It was a little bit more poster-like and pointed, that Caritas, the Catholic church’s welfare association in Germany, expressed the same context a few years ago using the following words: “poor family – poor society”. These two quotations point to two of my theses: Our society is dependent on both marriage and family. In contrast to their importance, marriage is being more and more diminished and families are more and more at a disadvantage in structural terms in our country.

The Situation

Considering more closely the role of the family from a Christian point of view, we have first to differentiate between two perspectives. It is possible

to consider the role of the family in the 21st century from a descriptive perspective. In this case, it is about the question: What role does the family really play at present and what tendencies, what developments become apparent by empirical data?

However, you can also ask about the role of the family in the 21st century from a normative perspective: What importance should be attached to the family and what role is it to play within the society? As the following consideration is about an assessment from a Christian point of view, more focus is being placed on a normative, social-ethical guideline idea which I am going to develop from the Christian faith.

Considerations with regard to what has to be the situation have first to raise the question about what is the real situation. Regarding sociological data is so important because what is set by faith being norms has to be lived according to by the people under the concrete circumstances of a society. This is where apart from individual ethics, social ethics also gets into the focus. This means it is not sufficient just to ask about the responsibility of the individual person. It is rather the responsibility of the society which has also be discussed. This is where framework conditions are established under which people can live marriage and family today or under which they perhaps cannot.

Let us first ask about the situation we face at the outset of the 21st century in Germany. By giving a rough outline, the following observations can be made: referring to marriage and family, there are quite opposite basic trends that all together lead to a very complex mixed situation. On the one hand, there is a clearly perceivable trend towards a dissolution of traditional forms of living. This does also affect marriage and family. We all read regularly about statistics that show how many unmarried people or singles there are, how many single parents, marriages without children and people living together out of the wedlock there are. We know the high divorce rate and the low birth rate. We see the demand for legal equality of homosexual part-

nerships and quite complicated family relationships caused by in vitro fertilisation out of the wedlock.

But what are the reasons for the dissolution of traditional forms of living? Sociologists point to the process of individualisation as a basic trait of modern societies. Social constraints disappear, individual freedom and opportunities grow to dimensions never known before. Constraints of obeying social or religious norms become, in modern society, constraints of developing an own biography. Each and everybody is now completely responsible for his own life. This being so, gaining more freedom means also facing more risk.

This may also lead to a situation where people keep as many options as possible open. In this context, the theologian Hansjürgen Verweyen talks about a “necessary aversion to anything that is necessary.” There must be nothing that necessarily preoccupies people. One’s own biography is regarded as being a kind of permanent building site where things are only provisionally determined. Everything can be reversed; concerning the whole project of one’s own identity, another decision can be made every day. In any case, these are the demands. Against the background of such a social trend, it is clear that today marriage and family that build on unambiguous relationships and a definite commitment, face a hard time with difficulties.

On the other hand, there is also a clear tendency of many, also especially young people who tend towards strong relationships and an unambiguous belonging to each other. This means that there is even today a longing for a definite state. Strong partnership bonds and the family are of really high value to the broad majority. As to their life, 85 to 88 percent of young people in Germany wish to have a family and children.

But why is it today more seldom than in the past that these values that are based on empirical evidence gathered by surveys are being realised? The first reason being the social framework conditions that produce counter incentives and lead to a classical dilemma. Today, the ideal of Christian

marriage and family with several children has to stand the economic and social reality. There is a considerable risk for families with several children to face poverty. The uncertain situation on the labour market and concerns about a secure retirement pension increase the pressure on both partners to follow gainful employment – if possible without interruption – after having completed a qualified education and training program. At the same time, there is still not really a compatibility between upbringing children and a professional career in Germany. As men are almost not prepared to interrupt their gainful employment, and as they are too little involved in bringing up children and doing housework, women are subject to an enormous double burden.

Today, most different models of living are being developed between the two poles, the one of aversion to and the one of longing for things that are necessary, as well as under the unfavourable social framework conditions just mentioned. This includes postponing a definite decision until sometime later, making a decision until revoked, unsuccessful search for an appropriate partner and the inability to live up to one's own decision. But it also includes, not least, the conscious and clear decision for marriage and the family which today is made by many couples after having cohabited for quite some time.

The normative-ethical assessment

From a Christian point of view, there are also other legitimate forms of living apart from marriage and family. Such forms of living are the voluntarily chosen celibacy of priests, monks and nuns, or also an unmarried state people have chosen because of a special professional or social commitment. As to what form of living is chosen, every individual person has to make his own free decision. However, marriage and family are a form of living which is deeply in line with the nature of human beings. It is essential for the personal development of people to make sustainable decisions for life and to

live up to these decisions. It is just as inherent in the nature of people to have relationships to other people. According to the German bishops statement *Ehe und Familie – in guter Gesellschaft (Marriage and family – being in good company)* (1999) (I.1), God cannot be regarded as a lonesome introverted being, but God himself is life and exchange, relationship and love, and therefore we human beings have also been created on the basis of love and are destined for love ... marriage and family are those forms of living which are particularly in line with this human basic need for love, security and support.

Therefore the church is clearly in favour of marriage and family. Marriage and family combined with each other are an outline of life which basically is to be approved without any cuts. Marriage and family are no obsolete models of pre-modern times, nor are they solutions to embarrassing situations, nor can they be swept away as a failed development that has to be overcome. In marriage, the ‘yes’ two people say to each other becomes the principle based on partnership, trust and openness on which they live for God. This being so, marriage is the place where people can develop themselves as persons within a relationship. Furthermore it is the place where new life does not only emerge from but where it can also develop itself in a shelter of security. This is why marriage and family correspond to each other.

This is not to mean that personal development would not be possible in other relations of life. But a family which is founded on matrimonial partnership entered on one’s own free initiative by a woman and a man in order to keep it for the entire life is such a precious commodity that, as an ideal and role model, it must not be abandoned or levelled – even not when facing sobering, everyday realities. This is why marriage and family have been closely linked as role model for Christians and will do so in the future. Nevertheless, this does not mean that a family which is not founded on marriage would lose its concrete importance it plays for each individual family member.

The role the family plays for every individual person

The importance the family plays for every individual person is so manifold that it can hardly be replaced by other institutions or relationships. According to the Council, the family is a kind of school of deeper humanity (*Gaudium et Spes* No. 52). The importance the family plays for the individual person starts at the basic stage of material care. It starts with the indispensable relation which makes it possible that the unborn child can grow in the mother's womb. It also includes financial care for family members as well as innumerable small and big concerns regarding the wellbeing and care for elderly and ill family members.

Of course, family means much more than these material wellbeing concerns for each other. Family is the place for its members where, for the first time, they are basically being integrated in human society. This is where children receive the elementary experience being accepted without which they cannot live. The educational performance provided by the family lays the foundation for any further education of the person. Therefore, the family is the first and fundamental institution for upbringing and education. The German Basic Law provides the following wording which has often been quoted: "Care and upbringing of children are the natural right of the parents and a duty primarily incumbent on them" (article 6, paragraph 2).

However, marriage and family are also especially the place of loyalty and emotional links. Thus they are the place where it is possible to develop self-confidence, to get moral orientation and, at the same time, religious experience. The very first, basic experience with religion is also closely linked to family relationships. This is not at all about drawing an ideal picture of the family. But, this brief drawing may, at least, raise conscience about the heavy burden of life people have to carry when the family fails for long stretches of time or even totally.

An own topic in this context is covered by gender relations in marriage and family. Another just as difficult as important question is how to establish a

just relation today between man and woman in marriage and family. From a Christian point of view, traditionally assigned roles and tasks must not be declared being permanent truths for both gender groups. Today every married couple faces the task to combine the prospect and goals for life of both man and woman and to make them a joint prospect with equal rights.

Man and woman have to jointly find a way to combine the various fields on the basis of partnership which are their matrimonial community, care for the children and, perhaps, for their parents or other relatives, commitment within the church, civil and social commitment, work performed within the family and gainful employment. This should be done in freedom, which means that political and social rules should be designed in a way where both ways are possible: the total or partial renunciation of gainful employment by one partner in favour of upbringing children or caring for relatives, as well as the compliance between gainful employment and work performed within the family.

The most important thing the bible tells about the origin and goal of man is that he derives from God and was made in the image of his creator, and the bible states the same thing about both man and woman: “So God created man in his own image, in the image of God created he him; male and female created he them.” according to the Book of Genesis (Gen 1, 26). This does not mean that the difference between man and woman has been levelled. But it is stated that with any way of how women and men play their roles in a concrete social situation, of how woman and man live their role in a concrete family, it has to be observed that man and woman have the same dignity.

However, it is even today that equal opportunities for men and women have been an ambitious goal. Because until today, especially women have been victims of violence, oppression and disadvantages in Germany but also all over the world. According to Christian understanding, biological differences are no reason for a higher value of men and a servant function of women. They do not determine roles but lay the foundation for developing roles based on partnership and freedom.

The role of the family in society

However, marriage and family do not fit into the personal context of life described. Apart from this, they represent an important structural element of human society. Further partial structures of the society are the areas of economy, education and science, law and politics. This being so, marriage and family are undoubtedly the partial area of society which has the most fundamental importance for the whole society.

The family does not only produce – purely biologically spoken – the new members of the society. Within the course of development, it also releases people to act as players and participants in social partial areas. At the same time, these social partial areas are, so to speak, inherent first seeds of the family. For the family members, it is the first economic foundation, the first education and upbringing institution, the first human community and, not least, the first place of basic religious experience.

At the same time, the family is a very weak, sensitive and vulnerable member in the structure of social partial areas. Marriage and family are organised in smallest entities, and they face impacts of strong social dynamic developments on various levels and fields. This is alone is nature. Nevertheless, it is even more strengthened regarding the modern core family and the growing process of socialisation. Therefore marriage and family undoubtedly need to enjoy the special protection of the state (refer to Article 6 of the German Basic Law) but also the special consideration of all other social areas.

In the different areas of society, a much stronger awareness is needed concerning the family being an indispensable fundamental institution of the society in the present but also especially in the future. Within the context of describing the situation we face, I have already addressed the structural disadvantages of the family. There is still much to be done. Besides that, there must not occur a creeping dissolution of the role model of marriage and family. This is the reason why the church refuses to accept the legal equal-

ity of homosexual partnerships as well as the right of adoption for same gender couples. This is also the reason why we criticise definitions, as for instance: Family is where children are. Because family builds on marriage.

The role of the family for the church

The special importance of the family for the church derives from the sacrament of marriage. For Christian married couples, their mutual love and loyalty become a reliable and powerful token of the love and loyalty of God and thus the sacrament of marriage. Marriage as a sacramental token reflects God's bond with the people, it is an image of Christ's love for us, people (compare Eph5, 21-33). This sacrament mutually received by married couples is confirmed by the church giving its explicit and ceremonial blessing.

Thus Christian married couples live exactly what is the message of the church. Sacramental marriage as well as the church are tokens of God's mercy that can be experienced. If the family builds on sacramental marriage, then it is closely linked to the church. Because, according to Pope John Paul II, the family has the vocation to build up the Kingdom of God in history through participating in the life and message of the church (*Familiaris Consortio* No. 49).

As a place where children are born, where they can grow up in the community of people and the church, where they receive first skills needed for their faith and first instructions on how to pray, the family is of priceless value. Therefore the church is committed to various fields where families receive quite practical support: nursery day schools and after school care centres, residential homes and facilities for disabled people, family education, marriage guidance and family planning, social pedagogical facilities and care for the elderly.

Prospects and consequences

It is especially the future prospect of the family that needs particular attention and farsightedness. Because it is rather in the long run that investment in the future of marriage and family produces effects. The course has to be determined at an early stage. Often changes of the course just become perceivable in the next generation. But above all, devastating effects occur if the commitment needed is not shown but is neglected. Therefore a sustainability of actions is not only required in ecological contexts. The family embracing more and more generations and developing itself over long periods of time is also dependent on it.

As I have indicated, the family faces a variety of difficulties and it is often made a 'pack animal' which has to carry undesired side effects that accompany modernisation processes. The more urgent is it to clearly focus on the importance the family plays for each and every individual person as well as for the whole society and its future, to make it perceivable and to ask about what families need. This being so, we must not fail to see how much committed and serious effort has already been made in order to foster marriage and family.

There are many areas of social life, where it has been realised that family is not an independent thing without needs, nor a dispensable squiggle of human history, but a precious cultural commodity which deserves particular attention. The growing acceptance for an active support of a family-friendly social environment has to be welcomed and actively supported, from the church's point of view. There is still much that has to be translated from a mere good intention into a concrete reorganisation of social realities.

There is still less acceptance concerning the fact that marriage as a permanent bond established by man and woman on the basis of equal rights and partnership also plays its very particular role in society and the family, which cannot be replaced on principle. Concerning this acceptance, the

church will have to make any effort involving untiring conviction to ensure that marriage will again receive the esteem it deserves with good reason. Therefore I would like to conclude by mentioning one fundamental sentence of the papal circular letter “Familiaris Consortio” by John Paul II: “The future of humanity passes by way of the family” (Familiaris Consortio No. 89). ■

The Role of the Family in the 21st Century

An Islamic point of view

Rahma Bourqia

To set up the framework of discussion on marriage, family and society in the 21st century with reference to Islam, we have to differentiate between Islam referred to by Muslims as *Shari'a* which means the path to meet and understand the word of Allah, and Muslim societies which throughout their history have produced schools of thoughts to interpret the sacred book. Moreover, as a researcher and sociologist, I would rather talk about the issue not from a religious perspective because I do not consider myself a religious scholar, but from the perspective of social sciences the interest of which is focused on what people do with religion, and on how society legitimates norms, practices and institutions in the name of religion.

There is no doubt that the family and the ties of marriage have been invested by all monotheist religions (Islam, Christianity and Judaism) with sacred significance. In Islam the family is the basic institution of moral values. Islam has valued the ties that bound the member of the family together and put restrictions on divorce, disobedience of children towards their parents, and disobedience of the wife toward the husband to prevent the break down of the family. The benediction of parents is a gift granted to good children. Moreover, the marriage is a sacred engagement between spouses, Muslim jurisprudence has granted marriage with religious significance.

Despite the fact that these values have been integrated in the culture of all Muslim countries, historicity and the social order have shaped the reality of the family institution in different times of history and in different Muslim societies. It goes without saying, that the family in a Muslim country at the beginning of the twentieth century is not the family in the 21st century. This means that the family as an institution is shaped by the change occurring in society. This raises the question of what are the features of those changes?

Islam is a religion expressed through the respect of its pillars, (chahada, prayer, fasting, giving, pilgrimage), values and principles shared by most Muslim societies. However, religion is also social and historical experiences of Muslims through the history of Islam and in different geographic areas of the land of Islam. The questions that arise from this second perspective is: How is Islam experienced by Muslims? What are the interpretations given to change? To what extent have social constraints, social norms and traditions been associated with Islam without being part of the fundamental principles of Islam? How have the marriage and the family institution been shaped by social and cultural norms? To what extend, people used religion to legitimate their views on family and marriage?

1. The patriarchal paradigm

In the light of the difference we have made between Islam and the interpretative effort made by different jurisprudential schools of religious thought

during fourteen centuries of history of Muslim societies, and in the light of the fact that the family institution is an institution where the social and cultural norms put their prints, we have to say that the family, the marriage, and accordingly the position of women and the status given to them by society have been mixed, through the history of Islam, with the interpretation given by a body of Muslims, reflecting the collective perceptions of their own societies.

Reference to Islam when dealing with family, marriage and the position of women has been distorted by conflicts of interpretations throughout the history of Islam. We all know that the holy Qur'an and Hadith have been subject to many interpretations differentiating various religious schools and scholar's followers of each school. The inherited interpretations accumulated along with the evolution of Muslim societies have to be questioned in order to deal with the changes that occurred in these societies.

Patriarchy and masculine dominance were not principles of Islam as *Shari'a* in the sense of a path to hear the voice of God. They are founding norms and guiding principles of patriarchal society. However, those norms are legitimated by religion. The patriarchal discourse has been constructed to reflect and legitimate a social reality in most Muslim societies. As Leila Ahmed puts it "Women ...are those whom society under review defined as women and to whom they applied legal and cultural rules on the basis of these definitions".¹ In other words, man and woman are not only two differentiated biological entities, they are also two social and cultural constructs within the family and in society. In fact the family institution in the context of the Muslim societies has to be approached from different levels of reality. We can list some of them in the following.

2. The normative discourse on family and on women

In the normative discourse, the issue of family places women as the core stone of the family institution. Women are the focus and the locus of norms, values, restrictions, to preserve the Muslim family.

Many studies published by Muslims on the family women in Islam are done within a normative framework, without differentiating between what relates to Islam as a norm carrying ideals about the relationship between men and women, and what is related to the historical and social contexts and cultural practices. In analysing the situation of women in Muslim societies, we cannot ignore the accumulation of knowledge written on the subject by non Muslims in the fields of the social sciences and history, and we have also to use methods developed in this field of knowledge to understand the impact of social organisation and culture on the status of women.

If we look into the way the history of Islam has been written, we find that it has been done from a male perspective, bringing thus masculine achievements to the forefront. Apart from Aicha and other spouses of the Prophet, few women's names were preserved in the tradition of transmission of religious knowledge. As Annemarie Schimmel puts it, an *“interesting and challenging study, for example, would be to trace the role women have played in Islamic scholarship. The number of women in traditional disciplines, which is to say, those active in the transmission of hadith, or the traditions of the prophet, is enormous (even if the acceptance of such transmission is still designated as ‘ilm ar-rijal “knowledge of men”*.² The writer adds: *“Even while enumerating all these positive aspects, however, we cannot ignore the fact that the woman's position has deteriorated over the course of time. Once flexible regulations have become inflexible and rigid, and negative ideas gained ground”*.³

Revisiting Muslim history, with modern conceptual and methodological tools, and with gender lenses, is a necessary exercise to renew the discourse on Islam and the role played by women in Islamic societies. A few studies have been done on women in the history of Islam that conceptualize the theme by using in their analysis concepts and methodological tools of the social sciences, or the progress made by knowledge and scholarship. Leila Ahmed in her book on *“Women and Gender in Islam”* has oriented her investigation in this direction and examined the gender issue in the dis-

course of the early periods of Islam to understand the foundations set by the social and cultural environment in the “Islamic discourse”. Throughout the history of the Muslim world, different practices, traditions and social meanings given by societies to rituals, norms and sayings, came to shape what has become to be known as an Islamic discourse.

The search for the position of women in an interpretative rich Islamic literature at different periods of Islam, in different schools of thought, and in different intellectual productions of religious scholars and writers [*faqih*, *‘alim* , or *da’ya* (preacher)] is a complicated matter. A saying from a *faqih* could be put in the forefront as a saying of religious truth, and may be in contradiction with another saying, itself also taken as of religious truth.

According to the Islamic tradition, knowledge seeking is a duty for every Muslim male and female. Indeed, Islam has given a great value to the acquisition of knowledge and its transmission. The people of knowledge (*ahlu al ‘ilm*) were a group among the prestigious elite of the Muslim society. However, it should be noted that on the one hand, Islam does not put any differentiating restriction in terms of access to education between man and woman, but on the other hand, Muslim societies have put constraints on women that prevented them from producing a feminine religious scholarship. Usually, the acquisition of knowledge implied travelling to and resettling in various, geographically scattered, religious sites to approach sheikhs to seek learning. The position of woman in the family, and her role in rearing children, added to cultural constraints and restrictions on her movement in the public space, were major factors that greatly limited her acquisition and participation in the transmission of knowledge.

Some researchers in the history of knowledge in Islamic societies have pointed out the ambivalent attitude of these societies with regard to the place of women in the process of learning. J. Berkey writes: “a manual for market inspectors (*muhtasib*) dating from the Mamluk period cautioned against teaching women to write, citing a tradition of the Prophet to that effect. According to the manual, a woman might be safely instructed in cer-

tain passages of the Qur'an, in particular Surat al Nur, but "it is said that a woman who learns [how to] write is like a snake given poison to drink"⁴. This statement reflects stereotypes and perceptions that have been developed by society on women, and that continue to be perceptible in cultural discourses even in contemporary societies. Many proverbs and sayings still reflect this misogynous discourse.

The Islamic societies have cultivated a kind of ambivalence towards women's education. As already mentioned, Islam does not make differences between men and women when it comes to getting education, but patriarchal norms, traditions and customs excluded the majority of women from having access to it. Nonetheless, some women have contributed, namely through endowments, in Islamic education. As Berkey writes: "Here, as much as anywhere, the ambivalence in Islamic cultural attitudes towards education of females had practical consequences. The ties between women and the world of formal academic institutions were complex and uneven. Muslim women could own, inherit, and dispose of property, and so it is only natural that women as well as men gave generously of their wealth to secure the transmission of Muslim religious knowledge. The administration of schools, no matter who their founder and benefactor, and of their endowments could also fall upon the shoulders of women. In matter relating more directly to instructions, however, institutions of learning accorded women a far more circumscribed role"⁵.

Thus, history has kept some names of famous pious women who made endowments for founding schools and mosques. Fatima Fihriya, the founder of the Qarawiyn mosque in Morocco is an example. However, the transmission of religious knowledge has remained predominately and throughout the history of Islam a masculine matter. It should be noted, however, that women's education was not better off during Medieval Europe than it was in Islamic societies at the time; but women in the West gained education progressively during the modern era. Paradoxically, the Islamic ideal had given a better chance for Muslim women which was not taken for

imperative constraints dictated by the patriarchal system. “Throughout Islamic history the constructs, institutions, and modes of thought devised by early Muslim societies that form the core discourses of Islam have played a central role in defining women’s place in Muslim societies”⁶. The discourse of some Islamist movements today is building up its arguments on these constructs of societies of the early ages. This intellectual heritage becomes a leading force towards innovative solutions if it is submitted to epistemological and historical questioning and criticism. In Muslim societies, an intellectual feminist movement has started during the last two decades to explore gender issues in the history of Islam and in the discourse and interpretations that some Muslims have given to the status of women in Islam.

As Leila Ahmed puts it: “Discourses shape and are shaped by specific moments in specific societies. The investigation of the discourse on women and gender in Islamic Middle Eastern societies entails studying the societies in which they are rooted, and in particular the way in which gender is articulated socially, institutionally, and verbally in these societies”⁷. In fact through the history of Islamic societies, rigid regulations were maintained by the patriarchal system which have prevailed and have been supported and legitimated by a rigid interpretation of Islam. In recent history, the colonial chock and entrance of these societies in the global era have imposed a change in the patriarchal system, consequently leading to a change regarding the codes that regulate the relationship between man and woman, as well as their status in the family and society.

The change witnessed by most Muslim societies during the colonial rule and the transformations brought on by the independence era have contributed to creating a new discourse on the family institution, on women status and on gender relations. In the nineteenth century and at the beginning of the twentieth, many Muslim scholars in the Arab world have put in their reformist agenda the question of women: Mohamed Abduh in Egypt, Tahar Haddad in Tunisia, Allal El Fassi in Morocco, the prominent reformists and

leaders of the Arab renaissance (*nahda*) of the last century, all advocated a sort of liberation for women, whom Muslim societies had placed in a position of subordination. Those trends of change have somewhat paved the way for debating the position of women in Muslim societies and their role in the family.

It is indeed the women and gender issues which have led to the discussions on the family organisation in the Muslim societies. In many societies, women are given the domestic role in the family, and confined to move in the domestic space. They are subject to restrictions, and cultural values targeting their behaviours and movements. Most of the restrictive norms that exist in society are put on women, on their bodies. In this sense, we cannot talk about the cultural legacy without mentioning the women's veil, or covering of the hair. The phenomenon has become a highly controversial issue in some countries in the West, such as France. When we walk in the streets of many Muslim countries, a western eye is struck by the coexistence of veiled and unveiled women. For some Muslim women, being veiled is an Islamic obligation, for others, uncovering their hair does not make them less Muslims than others.

In fact the history and anthropology of the veil have yet to be done. Leila Ahmed writes that “the adoption of the veil by Muslim women occurred by a similar process of seamless assimilation of the mores of the conquered peoples. The veil was apparently in use in Sasanian society, and segregation of the sexes and the use of the veil were heavily in evidence in the Christian Middle East and Mediterranean regions at the time of the rise of Islam. During Mohamed's lifetime and only toward the end at that, his wives were the only Muslim women required to veil. After his death and following the Muslim conquest of the adjoining territories, where upper-class women veiled, the veil became a common place item of clothing among Muslim upper-class women, by a process of assimilation that no one has yet ascertained in much detail”⁸. This reveals that the veil, which is in most cases the covering of the head, was not proper to Muslim women; it did exist in other

civilisations. However, when we look at it nowadays in a society like Morocco, from the people's point of view, the veil has different uses and many meanings:

- For some Muslims, wearing the veil is to be in conformity with an obligation of Islam. It is considered almost as a pillar of Islam.
- Some traditional women wear the veil by tradition.
- Some young women wear the veil as a sign of protest, and a shield against an invasion by the western culture in order to assert identity. The veil demonstrates differences between Muslim and western women.
- For other young women, wearing the veil is a way to show the difference between their generation and the older one. They say that they know religion better than their parents, this is why they cover their heads.

All these meanings are in motion in Muslim societies. They reveal that the veil is not simply a religious matter, but it is also a social, cultural, political and generational matter. However, the question that arises out of all this is: Why is there such a focus on the women's body? In fact, women have – all the time and in all societies – been the target of norms and traditions. Their body constitutes a space for social and cultural memory. Society puts in woman's body what it considers as being important for the social and cultural system.

Cultural practices, traditions, sayings, and language used about gender are usually legitimated by religion. It is obvious that Islam is the religion of Muslims. As such it is deeply rooted in their emotions, beliefs and in their daily life. It should be noted that Islam, just like the other monotheist religions, bears human universal values such as justice and equity. The Qur'anic message is addressed to men and women. However, the organisation of society imbeds its own content into those ideals. Because of the power of religion, it is used to give meanings to social practices to make them more acceptable. It is for this reason that religion is used in politics as it is used to construct social reality and gender relations.

The relevant questions to be asked nowadays are: What are the major changes that occur on the family institution today? How do Muslim societies have to secure a better life for the family and reconstruct the status of women in a modern society? How to secure a positive and active role for women to reach justice, equity, empowerment, progress and development? What are the strategies to be adopted to accelerate the rhythm of development and secure a better position of women?

3. The family and social changes

The family in Muslim societies are witnessing major changes in this 21st century. These changes are related to three aspects: the modes of the family socialisation, the changing status and role of individuals in the family, and the position of women.

3.1. The modes of socialization

The family has been for long time the main educational institution. The individual learns about norms, values, religion within the family. Women are granted with the function of educating children according to the norms of society. Nowadays, the school is not only competing with the family on the education of children, but it has become the main educational institution.

Modes of education of children in the family are influenced by the position of the families in the social scale and by the level of education of the parent, and by their access to the social capital. Level of education of the parents, social position, income, urban or rural background shape the type of education given to children: conservative, liberal, open, rigorous, etc. These differences reflect a plurality in the education provided by the family in the Muslim society and the relative uniformity of education that the school gives to the children. It seems likely that the family has lost the grip on the education, challenged by the school, by the media especially by television, by peers and by informal channels where children are seeking information.

However, despite the decline of the role of the family as a major provider of education for children, the family continues to be a shelter and protector for individuals. Moreover, it is the institution which is still gaining the trust of individuals when facing precarious situations. One of the main challenges that face Muslim family is to provide the children with an education that grants them with aptitudes, behaviour and values allowing them to live in a changing world.

The family provides support for the individual whether they are man or women. However, women are in need of that support more than men since they constitute a vulnerable group. Because, women are still facing social discrimination in society, and in many cases, they are submitted to male dominance, their families continue to be the last refuge, even when they are married, when they have problems or when they have to face a precarious situation.

3.2. *Marriage: challenges*

The marriage in the Muslim society used to be looked upon under the pattern of the early age. However, different censuses show that the age of marriage for men and women has increased these last two decades. In Morocco, for example, the average age for women is 25 years old and 30 years for men. The average reaches 27 for urban women. Different factors explain this phenomenon:

- One is the *economic factor*: the change in the needs for the family such as education, housing, and health care. Acquiring commodities do not always meet adequate family resources. Poverty and precarious situations prevent many young people to engage in marriage.
- In addition, there are *social factors*: More and more young people continue their studies beyond the secondary education. This implies the delay of the marriage after finishing the studies. Moreover, the problem of unemployment, especially the unemployment of the degree holder,

postpones the marriage of young people. This phenomenon does not go without having an impact on the demographic growth which has been slowing down in recent decades.

If polygamy is a phenomenon that could be found in all Muslim societies, we have seen it becoming very limited in some countries, such as Morocco where we find that statistically only 0.8% of the married men are polygamous. A study done in 1995 in Morocco among youth has shown that 59,4% of the respondents were against polygamy, 18,9% do not care or have no opinion and 21,7% are in favour⁹. This shows to what extent the majority of young people are not in favour of living in a polygamous family, and the one who are in favour are more expressing a conformity towards religion which permits polygamy rather than being willing to be polygamous in their own life. The decline of polygamy is certainly due to economic reasons, because a polygamous husband has to provide the means of living for the two wives, or more, and for their children. This decline is also due to the evolution of the perceptions hold by people on polygamy. It used to be a sign of prestige for a man, it has become a backward practice. The media which brings to the forefront the image of the monogamous lover couple as a model of relationship between young man and woman and of the family has contributed to the change of the cultural perceptions of the family.

3.3. Changing roles in the family

Today, the family is going through many changes. While the extended family was the most common in traditional Muslim societies, now most families are nucleons composed of the husband, wife and children. (60% in Morocco). Moreover, some new types of complex families are emerging such as brothers and sisters living together, especially in urban areas, single mothers.¹⁰

Beside these changes that have contributed to bringing up new categories of families, we find that the distribution of roles, among the members of the

family, are changing. There is no more the drawing line between private and public where women have only responsibilities on the private sphere and men on the public one. Many women are working in the market place or they are seeking jobs of that market and moving between the two spaces: domestic and public. The women's involvement in the economic sector and their investments in the market place are becoming an irreversible phenomenon. In the study we have done on youth and religious values the majority of respondents (83,3% against 16,7%) are in favour of the work of women.

3.4. The change in the status of the child

For most families, the bringing up of children implies cost of schooling, healing and caring. This has brought the concern of families from lower social categories with regard to the necessary expenses for children. This material value has led to a moral value of the child where he or she appears as an individual who has rights and that the parents have the obligation of securing those rights.

All this led to a progressive change toward a new relationship between the members of the family, where the status of each member of the family is not determined by a fixed position in the scale set up by customs and cultural norms, but by the rights and obligations regulating the relationships and family ties.

Despite the fact that the family is still an institution that provides security for the individual in a world of uncertainty, the awareness about rights and obligations has started to be seen in discourse of individuals on themselves. It goes along with the process of individuation in a changing society, being influenced by the exposure to other cultures and to media.

4. Reforming family laws: the case of Morocco

In the trend of what we called moving away from the patriarchal system within the family, laws have been in most Muslim countries the area where

the patriarchal legacy resides. Resistance to change is usually legitimated by religion. However, the claim for changing the status of women in those laws is a constant demand from women, NGOs and groups advocating for change.

According to the Moroccan Constitution, Islam is the religion of the country. The challenge that faced Moroccan society since its independence has been to adopt major policies and strategies for developing the country in all sectors: economic growth, education, health, law, housing, etc. in order to achieve progress on the ground and to improve the lives of people.

Despite all the efforts made at the end of the last century, the situation of women remained paradoxical. In the public space, women have made some achievements in various fields: education, health, business, etc. The Moroccan woman gained all civil rights such as the right to vote and to be elected, but her situation in the family law remained problematic, leaving her in a position of inferiority. Moroccan women were granted the right to vote in 1956, and had the right to a free education. And indeed, many women took advantage of that right. However, the previous family law, called *al Moudawana*, written up in 1957, although it was an achievement at that time, because for the first time the judge would not be limited to refer to the *fiqh*, but to a set of articles of *al Moudawana*, it was nonetheless based on an archaic interpretation of the Sunnite school of legal thought. Towards the end of the 1990s, it was necessary to apply significant changes to the Moroccan family law. Many factors were supporting such a move.

4.1. Changes in Moroccan society

The Moroccan society has witnessed a major change since 1956, the date of independence, in terms of demography, mode of livelihood, needs and openness to the world in a global era. Accordingly, the situation of women has also changed since then. Women were progressively integrated in public life. The statistics show that 40% of the Moroccan work force is female,

one out of every five families is headed by a woman either because she is divorced or widowed, or because her husband works abroad. An increase of needs facing the family imposed the necessity for women to embark on the search for jobs in order to increase the income for the family and to respond thus to the increasing needs of the children.

Within the dynamics of societal change, civil society emerges as a major channel for this change. Since the 1970s, women's movements and human rights associations have put the change of the family law on the political agenda. Women's NGOs have been campaigning for changes of the *Moudawana* for years. A network of associations was created to advocate for a new law and to bring into the forefront the issue of equity between men and women in this projected law. Feminist associations have played a major role in this process.

Some values are becoming universal, and Islam has substantially contributed to those values. Human rights, women's rights, justice, and equity have become universal values; these are also Islamic values. Morocco, just like almost all countries of the world, has signed the CEDAW agreement, which has to be imbedded in the family law. Women have different positions in society but they have the same position as regards the law.

4.2. A political will for change

In the political arena, the previous Moroccan family law – or *Moudawana* – has been one of the most hotly debated and dividing issues in the country in recent years. The movement that claimed change was opposed by resistance coming from conservative parties. When the government attempted to reform the law six years ago, conservative leaders organised a massive protest. In fact, the issue of women was at stake for political reasons. It has been more a political conflict than a conflict of differences in point of views concerning the position of women in society.

The king made the decision to create a commission to work on a project for a renovated family law. In one of his speeches, King Mohammed VI said: “*How can a society advance while the rights of women are squandered and they are subjected to injustice, violence and marginalisation*”. In fact, in all his speeches, we find that there was a political will to improve the status of women.

4.3. *The methodology used for changing the law*

The commission set up by the king looked into the previous Moudawana and suggested new projects. It was constituted of fifteen members, a group of *fuqaha*, judges and three women. Their work stretched over 30 months. The first phase of the work consisted in hearings, and was thus reserved to auditions of more than 70 associations concerned by issues relating to family and women. The second phase was devoted to studies and discussions, and the third one to the elaboration of the project, based on renewal in the interpretation of Islamic law. The old law (Moudawana) left women in a vulnerable position within the family structure. Therefore, the principle of *ijtihad* was used with the aim to bring on change of the old interpretation of religion.

A set of principles was introduced in the new law:

- The principle of equality between spouses was introduced in the family relationships.
- Suppression of the injustice towards women which was imbedded in the text of the old law.
- Adoption of a modern form of wording of the legal text.

The previous form undermined the dignity of women as human beings. Two examples show the differences between the older and the new form of wording:

- In the previous law, the fundamental principle of marriage was: “obedience in trade for provision”, meaning: the husband earns the money, and the wife obeys. In the new law, it is plain that husband and wife are jointly and equally responsible for the family. The new definition of marriage was: both spouses are responsible of their family, and both spouses will have equal authority in the family. Brides have the choice of having a guardian or not to marry. Entitle the woman who has come of age to guardianship as a right, if she so chooses or if it serves her interest. A woman may, of her own free will, entrust guardianship to her father or to a relative.
- In the previous law, husbands were able to divorce their wives easily, and turn them out of the home, while it was very difficult for a woman to get away from an abusive marital relationship. In the new law, divorce is made easier for women, a fact considered as a major breakthrough in Moroccan society.

Other tremendous changes have occurred, worded in the new text in a proper way, such as:

- Women will get property rights during their marriage, regarding the management, by husband and wife, of the property acquired during marriage, and while confirming the principle of separate estate for each one of them, the couple may agree, in a separate document other than the marriage contract, on how to manage and invest the assets acquired jointly during marriage.
- The age of marriage for girls will be raised from 15 to 18, ensuring thus equality between men and women by setting the minimum age for marriage at 18 years for both of them.
- Polygamy is not outlawed, but is made extremely more difficult than before. Numerous conditions have to be satisfied before the judge can agree on polygamy. A man will need to show tangible evidence on the reasons pushing him to be polygamous, and must get consent from his existing wife before marrying another woman.

- The woman has the right to impose a condition in the marriage contract whereby her husband will refrain from taking a second wife.
- The child's rights are safeguarded through legal acknowledgement of paternity in cases when marriage has not been officially registered for reasons beyond control. The court shall examine evidence put forth to prove parenthood.

Granting women more rights is meant to contribute to the democratisation of Moroccan society: It forms democracy from bottom up. The reform shows that Islamic identity and universal human rights can coexist.

5. Conclusion

This new family law in Morocco reflects an image of the family, and consequently an image of society and its values, as well as the status granted to each member of the household: spouses and children. We live in a global era where there is a market of ideas and values, and the challenge for Muslim societies is how to remain good Muslims, but at the same time to embrace modernity. The change brought up by the new law in a Muslim society is a starting point for securing the role and position of women in a Muslim context. The law is a factor of change and one of the key elements in accelerating the process of development in society. The laws should reflect the principles of equity and justice, and preserve women's dignity. The laws are also a mirror of the progress made by a society to integrate the changes that have occurred at the level of gender relationship and the position of women in society.

The reform of the family is an important move in the shift of the family pattern from a patriarchal pattern to a pattern that preserves the dignity of each individual in the family: husband, wife and child.

However gaining the battle of changing laws is only one step in this process of securing the role of women. The other aspect that should be worked out

is the practice of laws. Such practice involves human beings with attitudes, a mentality and cultural perceptions on the role of women. Judges, in some cases, are biased by these perceptions. In this case, they have to be trained to become sensitive to the gender issue and to problems facing women.

The controversial debate on women in the Muslim world is not an isolated phenomenon. It deals with the kind of the family some would like to preserve and others to have it changed. This of course relies on the interpretation each group gives to the ideal society in Islam and to the way we have to deal with our cultural and historical heritage. Some look back to the earliest era of Islam as the best period and as a reference for the present. Others look upon the present and the future by renewing our heritage. Cultural heritage is a capital and has to be invested in, and fructified by modernity. This implies that we have to renew our discourse and make a difference between the pillars and principles of Islam, that are shared by all Muslims, and historical contingencies proper to each society and to each period of time. ■

Anmerkungen

- ¹ Leila Ahmed, Women and Gender in Islam: Historical Roots of a Modern Debate. (New Haven and London: Yale University Press, 1992) p.7.
- ² Annemarie Schimmel, My soul is a woman. The feminine in Islam, p.9.
- ³ Annemarie Schimmel, My soul is a woman. The feminine in Islam, p.14.
- ⁴ Jonathan Berkey, The Transmission of Knowledge in Medieval Cairo. A social History of Islamic Education (Princeton University Press, 1992), p. 161-162.
- ⁵ Jonathan Berkey, The Transmission of Knowledge in Medieval Cairo. A social History of Islamic Education (Princeton University Press,1992), p.62
- ⁶ Leila Ahmed, Women and Gender in Islam. Historical Roots of a Modern Debate (New Haven and London: Yale University Press, 1992), p.1
- ⁷ Ibid. p.2
- ⁸ Leila Ahmed, Women and Gender in Islam. Historical Roots of a Modern Debate (New Haven and London: Yale University Press, 1992), p.5. Many studies were carried out about the veil. See: Arlene Elowe Macleoad, Accommodating Protest. Working Women, the new veiling, and change in Cairo. (American University of Cairo Press, 1991).
- ⁹ See R. Bourqia, M. El Ayadi, M. El Harras, H. Rachik. Les jeunes et les valeurs religieuses (EDDIF-CODESRIA, 2000)
- ¹⁰ See: CERED Famille au Maroc. Les Reseaux de Solidarité Familiale (1996)

The family as a Space of Social Integration in Islam

Mohamed Haddad

I will begin with a statement which will surprise you: There is no family in Islam. I mean that the term family is not part of the original vocabulary of Islam. In fact, family in Arabic language is referred to by 'usra or â'ila. The term 'usra is derived from the root *ASR*, which means imprisoning or protecting. The term 'usra denotes the binding aspect of the familial relation. It refers to the state of dependence of the members of the family to the father. It calls back the protection that the latter provides them with. The term â'ila is derived from the root *AWL*, which means maintaining and supplying the necessities of other persons. It contains itself the two connotations: 'to protect' and 'to dominate', particularly through the financial capacity of the father.

The ‘*usra* or *â’ila* is not necessarily the nuclear family, since it contains all those who depend on the protector.

The etymological analysis shows that the two terms carry a patriarchal vision of the family. This can not surprise us. However, what is surprising is that Qur’an does not contain any of these two terms! No other term in Qur’an can completely replace it.

Qur’an uses the term ‘*ahl*, quoted more than 120 times. The meaning of this term is very wide.

We find there ‘*ahl* in the sense of family, as for example in the verse 11: 46.

“Noah’, He replied, ‘he is not one of your family: he had acted unjustly ...”

And in the sense of people, as in the verse 2: 126.

“Lord’, said Abraham, ‘make this a secure land and bestow plenty upon its people, those of them that believe in God and the Last Day ...”

And in the sense of community, as in the verse 3: 64.

“Say: O community of the Book! Let us come to a common word between us and you ...”

The term ‘*ahl*, as we notice, does not contain any connotation of domination; on the contrary, ‘*ahl* derives from the root *AHL*, which means becoming familiar, feeling at ease in a relation.

Hence, the Qur’anic conception of the family is an open conception. The individual is surrounded by a set of circles of memberships, of eccentric circles each one of them opens on another, wider one. Every circle forms a family / ‘*ahl*. The individual, then, is supposed to be protected by the whole society. Consanguinity is not essential, but it is recognized. Noah was called to deny his son, Abraham his father, several prophets their near or extended families. However, these situations are always considered as extreme and exceptional. The rule is the harmonious passage from a circle of membership to another: from near family to extended family, from this latter to the

“visible” community of the countrymen and coreligionists, to reach finally a more abstract level: God’s community. This one is identified neither with a place, nor with a time, nor with an ethnic group, nor even with a specific religion. Ideally, this community forms the real family of every devotee of God; without substituting or eliminating the immediate memberships of the individual, notably to his near family.

The term ‘*ahl*’ is however too vague to be altered into a legal category. So the classic Moslem Law does not contain a specific chapter on the family and does not refer to this term in legal vocabulary, neither ‘*ahl*’, nor ‘*usra*’, nor even ‘*â’ila*’. It is the modern Law that introduces the last two terms to translate the category “family” of the positive Law. Earlier, questions on the family were shared between two great disciplines. Questions with legal implication refer back to the Law. They do not establish an appropriate unity in the treaties of Law; spread on a reduced number of chapters that are: marriage, divorce, types of relationship and the feeding.

Questions without legal implication refer back to the morality; they are treated in specific works. We can find in the treaties of morality more varied questions, on children and teenager’s education, relations of good manners between the various members of the family, the behaviour towards old and disabled persons, the religious pedagogy of the family, etc. We can even find developments on the rules of good neighbourhood or the conduct of domestic animals.

In fact, Moslem Law did not care to elaborate a concept of family nor even to find a unifying term for the set of inherent questions in this subject. The casuistry character allowed it to accumulate cases and to subject them to its judgements; the set is distributed among the key chapters. Marriage is the founding act of a new family, divorce is the act ending it. Feeding is the main legally guaranteed right for the child. The central element in the Law of the classic family is not the family but the father. Polygamy and the multiplicity of marriages and divorces make it difficult to classify the family in one of the well defined family relationships. The moral order to help the

destitute opens the familial space to the grandparents, to the extended relatives, even to the domestics and to the slaves.

As we said earlier, it is the contact with the positive Law that introduced a group of terms to express the meaning limited to the family; Muslims use today *'usra*, *'ahkâm al-'usra*, *qâdî al-'usra*, etc. As everywhere, the conception of the nuclear family is recent; it is the product of the industrial and the urbanization era. Before that, family had a more flexible and wide meaning, because it has formed a space of integration and solidarity. However, this space was based on a religious vision of the world and on the set of eccentric circles of membership in which the individual develops and emerges. But in the modern world, what remains then of integration and solidarity?

This question can be treated from several points of view.

From space of integration, the modern Moslem family tends to become a space of resistance. Resistance to what exactly? Resistance to the decline of familial values or resistance to the principle of modernity? The difficulty in discerning the two aspects is doubled by the tendency to reduce Islam to its legal aspects: when we see Islam expressing its opposition to the decline of familial values, it is mostly done by resorting to chapters of marriage and divorce in the classic Law. Now, these chapters carry patriarchal and sometimes misogynous visions and practices. The choice appears then to be reduced to accepting the decline of the family in the name of modernity or to accepting the patriarchal reports in the name of the family values. This choice is obviously negative in its two alternatives.

The West, which serves as a marking example of modernity for Moslem societies, witnesses itself a dramatic questioning concerning the values of the family. Unmistakably, the family is part of the less successful domains of the classic modernity. We perceive better the perplexity among immigrant families. Moslem immigrant families feel themselves superior by their attachment in family values; it is not question for them to become inte-

grated into a society which opposes parents and children, aged persons and young generations. How to allow being fascinated by an example which caused the death of thousands of old people who died from dehydration because nobody helped them to drink? This happened in Europe in summer of 2003.

On the other hand, these same families are considered by some parts of European public opinion as the demonstration of the inferiority of Islam, backward, degrading religion that enslaves women under the male domination. How to accept that a brother kills his sister, with the consent of the family, because she had sexual affairs with a boyfriend? Several crimes of this kind happened in Moslem communities in Europe.

Without considering abstract reflections on the cultural and religious shocks, the theme of the family presents a concrete case to be meditated. It would be possible, from this case, to give the example of a positive and practical reflection. It would be necessary that every part begins by declining its own weaknesses before pointing to those of others.

The weakness of the modern Islam is that it reduces its reflections and positioning concerning the family to the legal aspects, such as they had been inherited from the classic Law. It would be more advantageous to resort to the classic treaties of morality; we would find then developments on problems which get closer to the current ones. One will see better in that case the positive contribution the Moslem tradition could suggest and its actuality in the present context. Unfortunately, this moral literature remains badly known among the Muslims themselves.

The weakness of the (Western) classic modernity is to have extremely pushed individualization, to the extent of favouring egoism. Neither positive Law nor social assistance can compensate for the lack of affection of a parent to his child, the indifference of a young person to an aged relative. Nobody was considered guilty for the death of thousands of old persons in the heat wave of summer 2003. Nevertheless, it is all the society that has to be morally responsible.

So, dialogue between the two banks of the Mediterranean could present a positive and practical contribution. Rather than to quarrel on the superiority of values, it would be wiser to try to get common lessons from these so varied experiences. Reflection will deeply prosper for the better of humanity.

In his excellent work, *The Crisis of the Moslem Culture* (2000), the great Tunisian historian Hichem Djaït writes: “It is absurd for us Muslims to claim to oppose the West by saying to the Westerners that we managed to protect our familial net, our respect for aged people, and our social cohesion without which crime would have galloped. In fact, there was a time when Europeans were also in this situation. However, industrialization, individualization, the expansion of cities, the desertification of the villages, the reversal of values, all this led to human misery in West. Consequently, when our countries enter the material modernity, this one will inevitably bring about these negative aspects.”

I dare to hope that the determination of women and men will be more powerful than the determinism of history. As I had already written it in comment to the idea of Djaït, if the modernization of the non Western societies retraces everything of the way of modernization of the Westerner societies, we shall live then the worst nightmares. Let us imagine nationalist generalized wars, new proletariat just like that was described by Marx and Zola in the XIX-th century, an industry as polluting as that of Europe of XX-th century. Non Westerner societies being today much more populated than Europe of Industrial Revolution, the world will go then straight to the disaster. The family is part of subjects to be imagined differently. Moslems can and have to contribute to a multicultural and multinational dialogue on this subject. Obviously, they must begin by stopping presenting polygamy and repudiation as values to be preserved or returned. The works of the Moslem reformists are there to assert that it is exactly these practices that had participated in the shaking of the familial system in many Moslem societies. ■

Family as a Place for Imparting Social Values in Christianity

Michael Hannich

”Family is the smallest cell of society” – this statement was mostly agreed upon in the nineteenth and twentieth century. There was no consent concerning corresponding conclusions that had to be drawn. Adolph Kolping used it for distributing travelling journeymen in the later so-called Kolping Families. Friedrich Engels took it as a starting point for criticising the bourgeois family.

The definition describing the family as the smallest cell of society suggests a variety of associations. As is generally known, the German term “Zelle” (English: cell) with regard to family has at least three meanings in the German language. Firstly: The biological cell is the basic component of

every organism. In this sense, family is regarded as a life cell of human community. Secondly: The monastery cell is a space of security where every individual can dwell on himself – and as a Christian I say – even entirely on God. And finally, thirdly: the prison cell. Not only adolescents who want or have to leave their family of origin often perceive family this way.

The life cell as basic component of an organism refers to a variety of development opportunities. However, this is where we are faced with considerable concerns. For many people, the Christian model of the family is no longer something natural. Traditional role patterns impede personal development instead of supporting it, according to criticism. Numerous different concepts of life and values require the individual to face them again and again and to decide on them again and again. It is especially here where I see an opportunity for development. Dealing with different concepts of life provides an opportunity of self-realisation in the best sense of the word: to realise oneself. Such self-realisation is totally different from something that should better be called self-glorification.

Today, family as a diverse life cell is more jeopardised than in earlier times. Today's community of gainful employed people systematically destroys its basis, the family – we have to determine without exaggeration. Gainful employment needs mobility, family in comparison needs stability. In working life, assertiveness is required – in the family, it is mutual consideration. Superior and subordinated employees are the expression of an hierarchic relationship; partnership requires a relationship at eye level. The prototype of gainful employment society is a single person who is flexibly employable without having restrictive bonds. Partnership, however, is marked by solidarity, reliability and loyalty. Partnership does without profit/loss calculations.

Against this background, family really seems to be an obsolete model. The following facts may support such an attitude. In Germany, there are about nine million families who live with a total of 15 million children aged under

18 years. About 50 % of children grow up without siblings. Less than 15 % of family households have three or more children. Regarding all private households, the situation becomes more dramatic. In Saxony for instance, about 36 % of all households consist of one person, another 36 % consist of two people, 16 % comprise three and ten percent four people. This being so, only two percent are left for households with five people. Even if you take into account that households with four people also consist of single mothers with three children, families with many children, families with more than two children, remain a minority which is almost not perceivable.

Nevertheless, living in a family enjoys an undiminished appreciation which is something remarkable. An overwhelming majority of young women and men still wish to live in a family. Therefore, family life is by far most attractive even today.

Taking all restrictions into account, it is obvious that family seems to be the space where many people expect reliable relationships. The desire to have a family is apparently an expression of longing for a successful life. Family as a space of security, as a place where I want to experience being at home. It is here in the family where I might feel being accepted for my own sake. Family makes it possible to experience personal uniqueness, to experience unspoilt confidence and to experience affection.

”Family is the place where I will not be expelled – no matter what I have done”, as one of my children stated at the age of 9 years. Mutual absolute and unconditioned acknowledgement and acceptance of people characterise the nature of marriage and family. This points to the acceptance given by God to people. Through mutual absolute and unconditioned acknowledgement and acceptance, man becomes a manifest being of dialogue which makes the image of God transparent.

As a Christian I am fully convinced that experiencing security and affection in the family is independent of whether parents believe in God or not. The Bible’s wish of blessing : “Lift up the light of your countenance upon us,

oh Lord, and bless us” is literally realised when the mother or father lean over the baby’s bed. Parents who believe in God will explain this original experience to their children thus being the first to pass their faith to the following generation.

Family as a shelter guarantees the development of one’s own individuality. Shortcomings, limitation and misunderstanding have their place in the space of family. It is here where I am allowed to make mistakes, somewhere else it is almost not possible. However, social reality also contains another side which has to be mentioned as well. For the very reason that family is such a shelter, it is particularly jeopardised. Numerous crimes, abuses and rapes happen in the private sphere of the family and remain a secret to the public.

However, in order to manage living in a family, basic competencies are needed. One key role is the ability to communicate. Making oneself understandable, understanding each other, being able to empathise with others are traits not inherited by people. This includes being in dialogue with each other, which means, in the deepest sense, making words transparent, as well as knowing one another. The Bible uses the word to know as a synonym for sexual community: “Adam knew Eve his wife; and she conceived, and bare Cain” as it is stated in the Book of Genesis, Chapter 4. It is only you, my partner, who makes me know who I am really.

Marriage may be understood as a form where love can develop. Marriage and partner relationship are not the same but they are closely inter-linked. Marriage is the place, the framework, the form where one might live partnership. Marriage and partnership are related to one another like a frame and a picture, the chalice and wine, form and content. In a family founded this way, people live love and learn who to love.

As marriage and family are especially marked by partnership, this involves particular requirements. Common life has to be shaped in a concrete way in every single situation. In almost all areas of life, people have to reach agree-

ments. This applies to the relationship among adult partners as well as to the one between parents and growing up children.

Here it should be noted that the word partnership contains the syllable part in stem of the word. Somebody who plays a part in a play has assumed a role. Therefore, it is not unusual to talk about the possibility to have role patterns in a partnership without being suspected of an unreflected conservatism. However, these are not perceived as being predetermined but sometimes they are the result of long drawn out negotiation processes. This is where another skill proves to be crucial. It is important to resolve conflicts and not to dissolve relationships by over-hasty actions.

The Christian conception of marriage and family which is no longer something natural for many people, is more comprehensive than it might appear at first glance in my point of view. After all, as a place for imparting social values, family has also a considerable external impact on the society. It largely contributes to a psychological and social stability of their members and provides mutual support and help before all other security system. In order to summarise it with the words of Joan Paul II, it is the first and basic school of social behaviour (*Familiaris consortio*, Nr. 37. 1981). ■

Between the Ideal and the Real: The Situation of Muslims in Germany

Hamideh Mohagheghi

In Islam family is the smallest and fundamental cell of society where the most important basic rules of a community are exercised and practised. As guarantor for a balanced society, it is considered of central importance. In Qur'an and in the Arabic language, the term "*ahl*" stands for families. "*ahl*" means relatives, kinship, people belonging together. It includes near and extended relatives and all people of a community who have a mutual obligation to provide financial care and support in all areas of life.

According to the Islamic point of view, man and woman living together is only legitimised by marriage which is a contract under civil law. The objective of marriage is man and woman complementing each other, ensuring

continuation of human life as well as bringing up children who are dependent on the care and protection of their parents. The family provides them with a shelter where they are to experience love, care and security. The ideal image of a family shows man and woman as a garment¹, they wrap each other and provide protection, security and warmth to one other. Love, respect and mercy are the fundamentals of a functioning family who is the basis for a society based on human dignity. Therefore, Islam considers the family and marriage as natural and indispensable institutions that have to care for satisfying natural sexual needs as well as for fulfilling the important task of bringing up children. Family is the school of society where family members learn to assume responsibility for themselves and for others. This being so, the division of work among family members is an important element in well-functioning marriages and families. It is especially indispensable for preparing children to live an independent life in society.

In the last decades, particularly in the Western world, the traditional attitude towards the family has begun to waver due to emancipatory women movements and the relation to free sexuality and individual freedom. A clear attribution of roles where the father is the breadwinner and the mother acts as a motherly educator is no longer tenable. Border lines between the tasks are being blurred. The central importance of the family is often suppressed, insufficiently attended or even aggressively denied. The consequences are high divorce rates, single mothers and fathers, unstable and fragile relations and more and more children who live in a so-called patchwork family.

The traditional attitude towards tasks and responsibilities that are assumed by fathers and mothers as well as towards extended families is losing importance. Consequently, loneliness, social poverty and economic insecurity have to be feared. Advantages or the necessity of marriage are being blurred because today all needs which used to be met so far within marriage can be satisfied outside of marriage: Taboos have been broken in order to satisfy sexual needs outside of marriage. Borders and restrictions are being consciously eliminated. Independence and gainful employment make women financially independent of the "breadwinner". Bringing up children

is taken on by day mothers or institutions where children are cared for during the day.

Apparently, this development makes numerous Muslime families feel insecure in the Western world so that they take measures in order to protect their children from it. They do their utmost to realise the vision of the ideal family while ignoring realities that have been existing in Muslim families for a long time. The ideal often remains a vision due to human weakness and strong patriarchal and archaic structures. According to Qur'anic instructions, the relation between man and woman is to be build on love and mercy.² Due to various factors, as for instance traditions that emphasise man's grandeur, it has become a disaster especially women have to suffer from. These traditions are noticeably practised among minorities, particularly among those who face an identity crisis. A man who has problems in an unfamiliar world, tends to demonstrate his strength to his wife and children and legitimises his behaviour either by ancient customs or religious rules defined by himself. The inequality of rights and obligations of man and woman in such families causes injustice and even relations which violate human dignity. The control exercised by the family and community exerts such an inevitable pressure which makes it very difficult to change this situation.

According to the Islamic point of view, parents are obliged to give children the opportunity to enjoy a good education and training or studies which enable them to be prepared for life as well-educated, responsible and independent people. Sometimes, this obligation is neglected or even inhibited because of external or ideological reasons. Personal, individual development is being retarded thus preventing the realisation of the children's ideals. This is where religion is abused as a means of authorisation. Superficial and formal religiousness establishes barriers that prevent a constructive development of young people. In such cases, strong and actually positive family relations may have a destructive effect as a controlling body, they may even give support to a continuation of these circumstances.

Strong individuality and a way of life focussed on oneself in the Western world is perceived by many Muslime families as a destruction of the community's cohesion. In order to counteract this destruction, children are being intensively linked to the family. However, outside the family children meet an environment where peers of the same age have freedoms they can only dream of. Therefore, they regard the inner state of the family as strict and unjust. But often they do not have an opportunity to talk about it with their parents and to articulate their wishes. In society, they want to be accepted and recognised. At the same time, they don't want to become disloyal to their family. Consequently, they live a life outside the family which is different from their way of life at home. They live between two opposing worlds and values, grow up and become people who often have no stable attitude to life. Many young people who are not cushioned show a lack of orientation by following certain behavioural patterns which are perceived as being problematic and precarious in society.

These changed realities of life and forms of marriage lead marriage and family to a "crisis" some Muslime families want to protect their children from. The idea that parents know better who their children should be married to and that therefore, they have to assume the responsibility for the future and happiness of their children, leads to arranged marriages where they cannot always count on the consent of these young people. Of course, parents always want to ensure that their children will be happy, and they act out of affection and care. However, the question is whether the way to happiness they have chosen is in line with the ideas of their children and whether children and parents have the same idea of happiness. So-called "forced marriages" emerge from such a way of thinking which has to be reversed by every means. In the long term, there has to be a process of thinking in another way in order to abolish such bad habits.

Marriage with non-Muslims is another problem which increasingly faces Muslims in Germany with new questions and definitions. Parents often perceive it as a loss of their children and as an absorption of their children into

the majority society. According to the currently practised so-called “Islamic Law”, we can determine an inequality: While a Muslim man is allowed to marry a female devotee of another monotheistic religion, a Muslim woman is not permitted to marry a devotee of another monotheistic religion. Therefore, Muslim women face big problems when they decide to enter such a marriage. There are only few families who tolerate or accept such a relation.

Moreover, many Muslim families think that the position of the father and mother is severely endangered by these “factual communities of life” the traditional form of the family has to be protected. They have the opinion that these “factual communities of life” are only based on love, but that marriage, however, involves moral and strictly legal obligations apart from love. Marriage and family are considered being an asset of society which provides a legal and moral framework for love and thus leads to a permanent awareness of responsibility. Realising inalienable rights and obligations within the family supports inalienable rights and obligations of people within the community. This being so, it is a “religious obligation” to protect marriage and family from changes which consider them being superfluous or even an obsolete institution.

The issues presented are to raise attention to existing problems of Muslims particularly when being faced with the Western way of life. They must not be generalised and must not at all be understood as problems which are caused by an Islamic way of life and for which the Islamic doctrine provides a basis.

Islam provides precious ethical foundations for marriage, family and society which do not oppose universal values and human rights. Co-existence in a pluralistic society should allow opportunities to hold discussions on common values where everybody is involved. For Muslims in Germany, it is of vital importance to equally participate in such discussions. This way, it is possible to have an influence on deviating and illegal behaviour patterns. It is only a co-operation based on partnership, and not being treated

like a child or permanent demands from outside as to how Muslims should live and think, that will cause a constructive and sustainable change of thinking. A common debate on values is necessary in order to shape society based on partnership on the ground of democracy and constitution. Mutual acceptance and respect is the first indispensable step which makes further steps possible. ■

Anmerkungen

- ¹ Qur'an, Sura 2:187: "They are your garments and ye are their garments ..."
- ² Qur'an, Sure 30: 21 "And among His Signs is this, that He created for you mates from among yourselves, that ye may dwell in tranquillity with them, and He has put love and mercy between your (hearts)."

Muslime Expectations towards Family Policy in Germany

Nadeem Elyas

The minority status today enjoyed by Muslims in Europe's free democratic states includes fundamental rights and freedoms. The constitution of the European states and the Basic Law of Germany extensively guarantee them equality and equal treatment. As fundamental rights belong to the Universal Declaration of Human Rights, they are guaranteed to every person within the scope of the Basic Law. The dignity of every person is inviolable. Discrimination or preference given to of any individual on grounds of ethnic origin, membership, skin colour, gender, ideology or religion are prohibited. The freedom of faith and the freedom to exercise religion are basically protected. All this constitutes an optimal legal framework for multi-religious and multicultural co-existence.

However, the reality of life is different in many respects. Without having the opportunity to go into detail, I want to recall the following keywords: the construction of mosques, kosher butchering, headscarf, Islamic religious instruction, media campaigns, 300 searches of mosques, 2,000 searches of homes and offices, discrimination on the housing and labour market, educational deficits, obstacles to integration and so on. To admit the responsibility in many areas does not only lie with the majority society. Especially areas like education and training, religious instruction and integration are of vital importance because of their sustainability.

Upbringing and education

It is really regrettable that upbringing is no longer – or not to a sufficient extent – a focus when it comes to set the target of educational institutions. It is not without reason that they are called educational institutions and not upbringing institutions. The target of education is shared by innumerable institutions in our society ranging from kindergartens, schools and universities to political and church academies, parties and media institutions. But the task of upbringing is something nobody really wants to assume. It is almost entirely left to the families who are often pushed beyond their capacities by this task which is one of the entire society. Parent's employment, deficits in family structures and destructive social influences do not give much reason to hope for reasonable, open-minded and tolerant education, and this happens just at a time which entails enormous challenges for the growing generation of children and young people.

The wrong development of today's societies with all its negative facets needs to be addressed by the whole society with top priority given to adequate upbringing. The relativisation of human values and ideals, acting with a lack of solidarity, egocentricism and the madness of maximisation at the expense of others, destruction of the environment and the animal world, addictions, sexism, reckless globalisation, international terrorism – these

are just some of the examples of the problems which are a challenge for humanity as a whole. How will following generations be able to cope with all these problems without being brought up on the basis of a value-based orientation?

Islamic religious instruction: the pillar of education and upbringing

When the curriculum for Islamic religious instruction was put in place by the special committee of education of the Central Muslim Council in Germany, basic principles of Islamic upbringing were taken into account. According to our conviction, they are suitable to give Muslim children who live in Germany an upbringing that provides an Islamic and, at the same time, a social orientation, and that is contemporary.

The titles of these principles are: God at the centre, no compulsion of faith, God, Qur'an and creation, environmental ethics, human dignity and human rights, virtues, the constructive human being, tolerance, gender sciences, the relation between (female) teachers and (female) pupils, the memory of the prophets, reality of life, aesthetic upbringing, language development and understanding, devoutness, education and peace. In this case, it is also very regrettable that policy does not give such a concept a chance to be realised.

Integration: a challenge for the family, community and state

Any integration plan which does not take into consideration that the special status of Islam is not only a private concern but also a social basis is prone to failure. The attempt to deprive Muslims of development opportunities, which are constitutionally guaranteed, by placing bureaucratic obstacles or official regulations is a setback on the road to integration. Disputes on the construction of mosques, Islamic religious instruction, kosher butchering or the headscarf do not only affect individuals but millions of female and male

citizens. They deeply hurt their souls and violate their dignity. Concerns about peace in the society and the success of integration are an obligation to find another way to deal with minorities while priority must not be given to limit their rights and to make life more difficult for them under the rule of law in Germany but to provide them with any legal opportunity to develop themselves.

An overall draft for integration has to consider rights as well as obligations in a balanced way for those who have to be integrated in all areas of society. At the same time, it has clearly to point to the rights and obligations of the state and the majority society with regard to integration. In our point of view, such a draft should especially address fields like youth, school, education, women and family. Further important areas would be legal framework conditions, political participation, professional life, labour market, social affairs, constitutionally protected Islamic organisations and representation of Muslims.

Any area contains demands which we Muslims place on ourselves, as for instance integration-oriented upbringing of children, socially oriented education in mosques, career and future-oriented support for young people, equality for women, combating violence within marriage and participation of women and young people in the community's life. Public areas particularly comprise law-abidance and loyalty, naturalisation and active commitment in political and public life, society-oriented further education of imams and community's leaders, consolidating economic participation and social commitment, uniform Islamic structures and co-determination of community members and a cultural orientation of community activities and projects that is targeted to issues that concern the whole society.

However, any area also includes prerequisites which have to be established by the state and the majority society so that integration is made possible. This contains promoting language learning for older migrants and pre-school age children, removing disintegrative and anti-Islamic contents from school books, introduction of Islamic religious instruction in German, set-

ting up posts and academies for educating Islamic religious teachers and community leaders, taking into consideration Muslim concerns in communities, in everyday school life and in the working environment, consolidating economic participation and social commitment, creating legal framework conditions, agreements on the equality of Islamic religious communities, accompanying the process of creating an Islamic representation and equal opportunities for Muslims in politics and the media.

Realising the advantages of a huge diversity of cultures in our society for the sake of the whole is only possible if all parts of society – politics, civil organisations and migrants – act jointly in accordance with a far-sighted draft. In this case, politics assumes the largest responsibility for creating social foundations and for raising the population's motivation and support. Both churches with their numerous social institutions and educational facilities play a central role in this respect. This is where examples and models of an intercultural and inter-religious co-operation can be realised.

However, if all involved players miss to fulfil their task, hopes and expectations lie with the family who, despite all difficulties, should strive for bringing up their children as open-minded, peaceful and competent citizens. ■

Family culture from an inter-religious perspective

Barbara Huber-Rudolf

The family culture of the Catholic church is primarily determined by conditions that are placed on catholic marriage. The heterogeneous couple who places its relationship under the blessing by God and the church is to live a monogamous relationship which is to be cared for as an indissoluble relation and which is targeted to the descendants.

The economic development level in Germany, however, has caused the development of other ideal concepts in society: consumption instead of children, partnerships for periods of one's life instead of life-long loyalty, gradual polygamy instead of monogamy, according to sociologists. Families with only one child and career people who decide in favour of the

renunciation of children are not less alarming for the church than for the pension scheme. Both sides rethink the generation treaty. This is where Cardinal Karl Lehmann calls for a theological clarification of the term generation.¹

Apart from common things of various periods of life, historical and social changes, which have jointly been experienced, determine a generation. Generations are mostly characterised by a common mentality and identity. It is not without good reason that people talk about the “post-war generation”, “the ‘68 generation” or the “fun generation”. Today, the vocabulary and content of the generation treaty are under suspicion. The scope of generally obliged services that are based on solidarity which the so-called “sandwich generation” has to render to the children’s generation just as to the grandparent’s generation, independently of their personal family situation, can only be realised, according to the assessment of many people, if people do without children or if both partners are gainfully employed. The question whether gainful employment requires both potential parents to do without children is differently answered by Anton Rauscher², Director of the Catholic Center of Social Sciences (Katholische Sozialwissenschaftliche Zentralstelle). The compatibility of family and profession is not being realised by a comprehensive care for the children but by flexible working hours for both parents concerning life-working hours as well as weekly-working hours. It is only this way that many parents feel being taken seriously with regard to their responsibility for the children, and that they can meet both life areas with an easy conscience.

If the situation in today’s society as a whole is marked by the fact that especially parents are burdened with the generation treaty, but children and grandparents, however, do not assume their function within the structure of the system, we need to make a new reflection on the distribution of burdens. This required new reflection is an ethical order upon which religions are also called to make a contribution. Catholic associations, as for instance the Kolpingwerk with its guiding wordings, or the Catholic Employees

Movement with its plan on family policy, but also the Central Committee of German Catholics have presented their proposals in this respect.³

In order to support a social policy based on gender equality, the Hessian Family Ministry has convened an inter-religious working group on the topic “family” where I have worked as catholic member.⁴ During our conversations within the working group, we have determined that esteeming the family as a community of at least two generations is something all three monotheistic religions have in common. However, we have different views as far as the acknowledgement of same-gender parent generations is concerned. And we also differ when it comes to the question to what extent non-blood line children are being integrated into the legal structure of the second generation. What is undisputed is the acknowledgement of the ideal and materiel value created by the family. Against this background, I want to formulate the following thesis:

1. The traditions of the Bible and Qur’an refer to comprehensible examples of human coexistence marking the importance of bonds and alliances at a chronologically horizontal level, which means within one generation, and at a vertical level, which goes beyond generation borders. Each one of the patriarchal stories, for instance the one of Abraham, Isaac and Jacob, can be read as a family saga. The story reaches the level of salvation by the family calling the father through Jesus saying “abba”. The examples of the biblical stories are based on the knowledge about the performance and thus the task of the family to care for social cohesion, which means to care for the older generation, as for instance, Rut who goes to an unfamiliar land with her mother-in-law, to care for ill people, which is demonstrated by the Gospels describing the salvation stories of Jesus which all happen within the families and which are also considered laudable by Qur’an.

Even today family is considered the space of everyday social welfare work involving all social-political implications. However, regarding the Gospels, it is surprising that Jesus shows a clear distance when it comes to integrate man as a priority into his family of origin. By mentioning Jesus’ quotation,

Mathew declares anyone being the real family of Jesus who does the will of the Father in heaven (Mt 12,50). He understands family as a model of a community who travels the same road, and who, at forks in the road, may part company (for instance when adult children leave the household). More and more, families of the 21st century, the century of globalisation, find themselves within the model of the road community through migration and mobility. The psycho and psycho-social learning process which is to tackle separation and fears of loss should be launched and supported by education institutions. The catholic marriage pastoral has especially to keep in mind that today marriage as a life-long community faces a higher risk to fail than it was the case in those times when the adult mortality rate was much more higher because of childbed fever, diseases and dangers of accidents. Difficulties to realise the Christian marriage ideal have become more apparent.⁵

2. On the basis of the religious tradition, it should be possible that people involved make a choice of the life and family form as well as the partner on their free will. The texts of the Bishops' Conference Office on shaping the annual family Sunday are value neutral and point to the fact that today family has really taken various forms: single parents, foreign man or woman with child, step and patchwork family, inter-cultural family. However, the catholic church is not inclined to give the same rights it provides to marriages between man and woman to same gender relationships. Though spiritual welfare for people with homosexual tendencies would correspond with an important concern. There are already various initiatives that have been launched in this respect. But such spiritual welfare would have to be carried out on the basis of the creation order if it is to be helpful. "Ambiguous signs, as for instance to give blessing to homosexual couples have to be avoided".⁶ This being so, the catholic church acts in contrast to the protestant church in Germany when it comes to deal with gays and lesbians.⁷

3. In Contrast to certain religious traditions, the state has the task to consolidate and protect the individual's self-determination and freedom.

Therefore, the subject of family policy is shaping a reliable relation of the generations while in contrast to the Jewish tradition, the catholic church has also an eye on a reliable partnership relation. The state shapes social security systems which institutionalise the reliability between the generations. The church supports couples to foster each other to follow Jesus.

4. Today the distribution of roles within the family is freely negotiated between the family members. The task to distribute the functions within the family has to be performed on the basis of partnership. The example of Jesus in the pericope on Martha and Maria (Lk 10,38) shows that He himself also shared the traditional understanding of roles but he knew how to change them according to individual needs. Therefore it is important in Christian family policy to avoid any form of inhibiting men as well as of women from making a free choice of the role they will play. We also regard it as an obstacle to spread role patterns and the expectations involved. Women primarily expect of the state's family policy to develop proactive measures targeted to promote new behavioural patterns. This policy is able to make the social political discourse in the task area of public upbringing and education, launched in the post-war period, a fruitful one. However, the documents of the church do not lack behind. At least, when it comes to describing role conflicts and providing assistance to resolve them in a creative way, the texts for the Family Sunday 2001 orient themselves towards a further social development.⁸

5. In the Sermon on the Mount (Mt 5-7), Jesus places a set of task which traditionally were considered being "family work" under the responsibility of his community of male and female disciples. Therefore, we should understand upbringing of and care for children and the care for older and marginalised people as a task of the whole society, and we should not attach minor attention to them than we do in regard to so-called "productive activities". Those involved in fulfilling these tasks must not face financial or social disadvantages. This needs an especially careful manner to deal with institutions and measures that support families. Cardinal Lehmann⁹ empha-

sises that the protection of the week has to be extended to the protection of future generations. According to him, after all, life, freedom and human dignity for future generations were especially threatened if people did not manage to turn away dangers which are caused by an excessive national debt (and) by insufficient investment into the future¹⁰

6. Activities done so far within family work, which today are being turned more and more into professional work, as for instance in the field of upbringing and care, must therefore not be paid worse than so-called male professions which are linked to productive occupations. Nowhere in fundamental authoritative texts of Christianity can we find any hint that points to something indicating that not every person, independent of gender, who works should eat just as anybody else. The assistance work group to the German Bishops' conference writes on the Family Sunday 1989: "Faith crosses ideas on privileges of men dependent on a particular time." On the other side, faith does also cross ideas on privileges of women. Especially bringing up children is a task given to both parents which neither women must seize nor men must refuse.

7. Though the example of Jesus makes conflicts of loyalty concerning family work and the absolute succession of Jesus as a subject. But it does not discuss conflicts between family work and gainful employment which mark the family of the 21st century. Obviously, they did not exist 2000 years ago. Thus individual flexibility and the possibility to combine different task areas apparently seem to be the ideal way to shape life. Services offered and a family-friendly personnel policy, especially within employment relationships of the church, contribute just as much to such a flexibility as the possibility to temporarily leave gainful employment for the sake of the family.¹¹

8. In our era of mobility and migration, more and more families regard themselves as a cultural and / or religious minority. Therefore, domestic upbringing in the family for the purpose of stabilising the individual identity as well as the identity of social small groups and for the purpose of ensuring cultural and religious education is today more important than it

was in earlier closed social systems. Domestic upbringing does not make upbringing measures provided by the state in kindergartens and schools superfluous. It is especially the multicultural situation that requires upbringing and regulation by the state in order to reach a moral basis which is accepted by all citizens. However, concerns of non-Germans and non-Christian citizens about not being able to pass on their own traditions to the next generation are understandable. According to the demand of the Second Vatican Council, to discern common values, to preserve and promote them, Christians commit themselves to equal opportunities when it comes to parents who want to pass on their faith, also including non-Christians.

9. Even in the past, family has been a useful element for economic production and for demographic, political reproduction. Its added value for the whole society concerning forming and developing human energies, cultural forms of expression and social behavioural forms is undisputed. It is only the family where people experience unconditioned love, acknowledgement and emotional security. Today, these services also includes the task to manage and use offers in order to increase the individual and social quality of life. Sport activities, musical perfection, acquisition of additional professional qualifications, social, political and church commitment – all these activities have to be subject to criteria that evaluate the family, than they will be accepted and administered accordingly. If institutions had to be developed in order to replace this management performance, much of creativity would be lost and society would have to bear remarkable follow-up costs.

Whether Germany is able to really become more family-friendly will depend on whether our “philanthropy” is based on Jesus’ fundamental attitude. Religions and churches, sciences and associations, politics and the citizens of this country have to gather everything concerning basic values and basic ethnical convictions they can contribute to protecting life and the dignity of people in the light of one’s neighbour, a protection which still has to be enhanced. ■

Anmerkungen

- ¹ Lehmann, Karl: Seid fruchtbar und mehret Euch – und ehret Eure Eltern! Biblisch-ethische Gedanken zum Generationenvertrag. In: NACKE/JÜNEMANN (Hg): Der Familie und uns zuliebe: Für einen Perspektivenwechsel in der Familienpolitik. Mainz, 2005, p. 17-47.
- ² Raucher, Anton: Nur Kinder sichern die Zukunft: Für eine Erneuerung der Familienkultur. In: Kirche und Gesellschaft (2005) 319.
- ³ Compare NACKE, JÜNEMANN (as under footnote 1), p. 286-335.
- ⁴ The following thesis follows joint guidelines on a social policy based on gender equality on the basis of Jewish, Christian and Muslim traditions which have been developed by Sarah and Hagar group, an inter-religious and non-partisan women initiative in Hesse. Taking traditional and pastoral models into account, this working group wants to achieve the target of participating in redesigning discursive, psycho-social, financial and legal structures which determine family life.
- ⁵ Lüscher, Kurt/BÖCKLE, Franz: Familie. In: CgimG Bd 7, 1981, p. 57.
- ⁶ Taken from the statement of Bishop Christian Werner responsible for the Catholic men's movement during the Austrian bishop conference. With this statement, he refused the attempt made by the Catholic Men's Movement to put in a good word for given the church's blessing to homosexual couples.
- ⁷ refer to www.welch-ein-segen.de
- ⁸ Arbeitshilfe der Deutschen Bischofskonferenz: "Als Mann und Frau schuf er sie" Das Verhältnis der Geschlechter in Ehe und Familie. Bonn 2001
- ⁹ Lehmann, Karl Kardinal: Zusammenhalt und Gerechtigkeit, Solidarität und Verantwortung zwischen den Generationen: Eröffnungsreferat bei der Herbstvollversammlung der Deutschen Bischofskonferenz in Fulda. Bonn 2003
- ¹⁰ Lehmann nach M. Wingen compare *ibid* p. 26
- ¹¹ Compare: MEADOWS, Peter: Als Vater wird man nicht geboren: Vier Bereiche Ihrer Verantwortung. In: www.familienhandbuch.de/cmain/f_Aktuelles/a_Elternschaft/s_1000.html – Parts are brilliantly curious and therefore so close to reality!

State, Family and the Private Sphere

The Example of Turkey

Hasan Karaca

As easy and clear as the title of this contribution may seem, as complex are its backgrounds. If we refer to the topics of state, family and privacy, we suggest that they are inter-linked as relations which we do not further question. Are family and privacy competing players in the individual's life environment or do they form a joint entity. Does the state consciously intervene in this action environment in order to provide weight to one person to somebody else's disadvantage, or does the state compete with both of them and does it try to establish an own living space for itself? Even if these questions cannot sufficiently be answered, we should keep them in mind.

The second aspect I want to keep in mind is the problem to transfer these terms to a subject which, not necessarily, requires being treated with the

tools we have available but which, perhaps, needs another terminology. After all, we are talking about an Islamic country, and we have to determine that state, family and the private sphere comprise areas which seem to be inaccessible to the German observer at first glance.

The private area

The attempt of describing the private area might seem to be an exhaustive endeavour. However, we will have to find this leisure as, indeed, the private sphere in the Islamic world has been differently understood than in the Western world.

At this very point, we have already to introduce a term which as word might probably not be alien to European readers but as far as its meaning is concerned it might be so, it is about *harem*. Its lexical meaning is in line with the word *taboo* which has a Polynesian origin, and which in Polynesia meant something that is prohibited and sacred at the same time. It is just this very meaning, being prohibited and sacred at the same time, which is attached to the term *harem*.¹ The noun *mahrem* is also derived from the same stem of the word and means something prohibited sacred.

However, the term *mahrem* does not only comprise an area but also people. Thus for instance, the *mahrem* of a woman includes all people who are not allowed to marry her for legal or ritual reasons. This applies to close relatives which means people who are allowed to see this woman (also uncovered). In daily life, this term may be used with regard to the circle of people concerned in a closer or wider sense. The *mahrem* of a person may refer to the small family, the extended family or just to the spouse. In any case, it means an area which is not easily accessible for public life, an area which is protected against public life and which is sacred.² As such one, it is the counterpart to public life. Life of a person is divided into *mahrem hayat* (private life) and *umumi hayat* (public life). As counterpart to the public *mahrem* determines the private.

However, this private is the family itself. This being so, family life and private life in a traditional Muslim family is congruent. Privacy is the family.

Dead end streets

The Islamic town illustrates that the private sphere, being something that is protected and opposed to public life, is nothing else than the family. Even at a superficial glance at the Islamic town, numerous dead ends become obvious. It is here in these dead ends where the private area begins. In a dead end street, ideally only relatives of an extended family live. A dead end is only entered if there is really an intention to visit this extended family. However, private life is also not opened to this street. All windows that open a glance to the street are small and located so high that nobody is able to look into the window from the outside. On the other side, the windows that open a glance to the courtyard are big and allow enough light to enter the rooms. There are two bells at the door to the courtyard. The small one is for women, the big one for men. Accordingly, the door is opened by a man or by a woman. This division of the private and public space is repeated in the house itself where guests are accompanied to the reception of the house (*selamlık*). Rooms which guests are not allowed to enter form the *haremlık*. This way, strangers always enter a protected private area. However, every *mahrem* which is entered opens another, more intimate area.

Staging

What is considered worthwhile to be regarded in architecture, can also be found within the customs of people. A good example that describes the protected sacred space is Turkey's Eastern region located on the Black Sea. In some areas of this region, one's own daughters are not mentioned as one's own children in the public. This means that, if you ask somebody how many children he has, you might receive the answer "three" although in reality, he might have three sons and two daughters.

Evaluating this circumstance as an oppression of the woman would be an over-hasty conclusion. It is rather about not exposing private matters to the public. Daughters belong to the area of *mahrem*, something that is made a taboo and protected sacred. And they are not being mentioned in the public.

The way how the family's protection is expressed may differ from region to region. In some regions, the wife's name is not pronounced in the public, other regions consider the woman's voice protected and sacred. However, good and decent behaviour means that every family member, when appearing in the public, protects the family's secret.

These examples do not only help us to understand that the private space is the family as an epitome but they illustrate a central aspect of the private in Islamic world: the impossibility of staging it in the public.³

The German term of the private makes it possible to live it in the public in a totally different way. People may present their very intimate sphere to the public if someone has the courage in this respect. Television broadcastings like “*Big Brother*” or “*Vera am Mittag*” are only one form of the possibilities to stage the private.

In modern world, the private also includes the opportunity to present it to the public.⁴ It is not only the family but a person's “body and soul” that may be made visible if desired. The “*Love Parade*” even gives the opportunity to increase the flaunting of the body to an ecstatic state.

Accordingly, the private space would be the area which people might protect against the public but which – if desired – may also be presented to the public. After being presented, the private space has not lost its private quality. Its staging is perceived as mimetic. Its existence is maintained by the possibility that there might be a reality behind the image.

Such a kind of presenting the private space in the modern world is, by definition, something impossible for the Muslim understanding of private space.⁵ Somebody who realises his private life in the public or just presents it to the public does not at all have a life in the end. Putting it radical till the

end, this does also mean that somebody who mentions the name of his daughter does not have her anymore. Of course, this wording is exaggerated but nevertheless it is to illustrate the deepest sense of what the term private means to Muslim culture.

The change of time

The model of family and privacy described so far is nothing homogeneous and valid all over Turkey. Moreover, it has been subjected to a tremendous change within the last 150 years. This primarily became obvious in the process of modernisation which, however, has been lacking a lively momentum of its own, and which therefore had to be put forward by using other methods. This produced an ambivalence while the competence to act in order to overcome it was not always available.

The modernisation of Turkey has fundamentally changed the understanding of family so that broadcastings like “*Big Brother*” also find spectators in this country and get incredible audience ratings. This change may be described as presenting the family to the public. Women’s emancipation and the process of individualisation empty the content of *mahrem* and create a world of life which is modern but still unfamiliar.

But if family does no longer embody the private space, the question emerges what than remains or may remain private. The subject of the private is more and more entering the area of the individual. This means the private area becomes an area where only the individual himself is important and where there is no longer a place for other people even if it concerns one’s own relatives. This tendency has mainly contributed to an ambivalence of the family, individual and privacy.

The protection of the family and its privacy

As soon as the family is presented to the public sphere, the question is raised how is it still possible to protect it. Before, family had just been pro-

tected against the public, and introducing the family to the public required special rites to be initiated.⁶

The change, however, has also led to a changed understanding concerning the protection of the family. Today it is no longer about protecting the family against the public but about ensuring its cohesion. This addresses another central consequence caused by the deprivatisation of the family. If every family member becomes a player in the public sphere, being together has to be lived in another way than it was the case in traditional times. In this case, the house can no longer stay the central place of get-togethers and family membership.⁷ It is not necessary to live together in order to belong to the same family. Leaving the house does not mean leaving the family.⁸ As a consequence, the family has to care for its cohesion in another way. Among other things, this causes a conflict of generations which can be perceived everywhere.

So the protection of the family is turned from a protection *against* the public into a protection *in* the public. However, the protection in the public makes a cohesion of the extended family more difficult with a tendency towards a small family, but not necessarily a nuclear family, becoming more discernible.

Accordingly, privacy is no longer protected outside but within the public sphere. In order to refer again to the extreme example mentioned above, while spouses did not even pronounce the name of the other spouse in the public and this way protected this spouse against it in the past, the spouse himself is the player in the public sphere now.⁹ The partner is no longer the element of the private sphere. This being so, it is up to the partner to protect his own, individual privacy¹⁰. Every individual is responsible for his own privacy and, in extreme cases, he is not responsible for the privacy of another person. It is just as true for the family, as for this situation that privacy is not protected against but within the public.

Between blurredness and focus

The tendencies described so far only contain ideal types and corner stones of a development. Reality is fluent and characterised by various transitions. We have to try to describe these transitions even if the description remains blurred.

The diversity of ways of life and forms of life in Turkey does not only differ between rural and urban areas but also within regions and areas of the country and the town. Although one might talk about the tendency that the town, in contrast to rural outskirts, has undergone a socio-cultural change but even in this case, the picture remains blurred and does only reflect a totally general framework. However, if you want to make policy – this is where I am turning to the second aspect of the state – more precise wordings are needed as a rule. The Turkish governmental policy on family issues shows how precise the focus may be.

In 1989, the Family and Social Research Directorate was founded in Turkey. It is built on the constitution of 1987 with article 41 which states as follows:

”The family is the foundation of Turkish society. The State shall take the necessary measures and establish the necessary organisation to ensure the peace and welfare of the family, especially the protection of the mother and children, and for family planning education and application. “

One of the tasks of the Family Research Directory is to elaborate a common family policy. In this respect, it is not interesting what are the difficulties of such a task but what is the goal of family policy. It is striking that the development tendency in public life in Turkey described above is reflected by the governmental policy. The state supports the development which, in any case, occurs – the trend towards ever smaller families.

The nuclear family as a modern family model appears in any area of life including governmental policy, legal system, science, literature and also in television, commercials and series that entail high audience ratings.

However, extended families are rather displayed at the screen as problematic relicts.

Nevertheless, the ideal image of the family is not only the nuclear family but the prosperous urban nuclear family. This being so, the urban citizen, his working wife and one up to three (at the most) children, who have good educational prospects, become the ideal model. Although, this idea does only correspond to a small part of Turkish families but, nevertheless, they have been made the guiding model.

However, it is not only about the contradiction between what exists or is desired, but about the differences concerning the evaluation of the family. Traditional understanding of the family still determines many people who do not understand the “new model”. This way, the governmental family policy creates an ambivalent situation because its objective is a model which is unfamiliar to many citizens.¹¹ The same applies to the understanding of privacy by the state. The state is not able to act sufficiently flexible to this ambivalent situation. Economy as well is not able to create the preconditions which would be necessary in order to realise the modern family model.¹²

Considering privacy and family in the traditional way where both are the same area has been subjected to a change which has not only been a normal aspect of the process of modernisation and individualisation but which has also been a part of a governmental policy. It is especially this change supported by the state which has created an ambivalent situation where possibilities of how to react adequately have remained unclear to the state as well as to families themselves. Turkey faces a situation of social change and of conceptual blurredness which is decisive for governmental policy. It has to overcome this blurredness by referring to the inner dynamics of the existing situation. ■

Anmerkungen

- ¹ In this sense, harem does not only stand for the space where women who are prohibited to belong to other men spend their time, but areas located around Mecca and Medina were also called *harameyn* (plural of *harem*) as sacred prohibited zone.
- ² Therefore, this area is surrounded by ideas on honour and dignity protecting it as prohibited sacred area.
- ³ In many texts especially written by Muslim authors, we find a deep division between Islam as theoretical construct and the practice by Muslims. Often this division is used in order to protect Islam against mistakes as they have been made by its supporters. I regard such a strict division as problem, as firstly religion does only make sense if it is lived, and secondly as this theoretical construct which is often talked about is something that cannot be clearly determined. Although referring to the Islam of Qur'an is quite popular, it is insufficiently spread as Qur'an itself is the word revealed to life and not a theoretical text. Moreover, the period of revealing Qur'an is primarily not about designing a text but founding a living community. When at this point and in the following text, I am referring to practices and opinions about the Islamic world, then I am having definitely the practical side of life of Islam in mind which has been developed out of tradition – a tradition which is looked for and deeply rooted in Qur'an.
- ⁴ This does not mean that it is not based on its cultural backgrounds. In contrast to the Islamic town or the traditional house located there, we find houses with balconies in European towns. The balcony is the space where (private) domestic life may be presented to the public.
- ⁵ In this context, it is also important to mention that traditionally portaying and forming, image and original image were considered as something identical.
- ⁶ Marriage rites, for instance, may be regarded as such. In order to enable the daughter or the son to appear in the public and the son to represent his family in the public, custom stipulates a variety of rites which have to be followed in this particular order more or less in the public. The fact that these rites lose more and more of importance in the modern world and also in modern Turkey is not at least due to the fact that the family simply becomes something public.
- ⁷ The forming aspect of the house is also described by the Turkish term of marriage: *evlenmek* which means “to form a house”. Furthermore, the just-married couple is called upon to “become a house” (*ev olmak*).
- ⁸ As a result of the marriage ceremony, the bride is taken out of the “father’s house”. From this moment onwards, the daughter does no longer belong to the father’s house of the family. Therefore, she is allowed to appear in the public as long as she has not yet founded the new family with her husband according to the custom. Normally, the rites that are followed before being taken out of the father’s house occur in the private space and the principle of *mahrem* is preserved.
- ⁹ By the way, it is not only the wife who belongs to privacy and who has to be protected by her husband, the wife herself has also to protect her husband against the public. This public, for instance, may be the public sphere of women where they gather and form a closed community.

- ¹⁰ The term privacy may appear strange but becomes reasonable in this context. It is no longer about privacy which is being formed by persons around oneself. But it is about privacy which is independent of third parties.
- ¹¹ It is especially unfamiliar because it constitutes a model taken from the West and not a model developed out of an own momentum.
- ¹² Many people, for instance, overcame the last economic crises in Turkey a few years ago by taking refuge to their extended family where they lived together just in order to pay one rent, to merged their businesses and to only get into debts to themselves.

The Quest for Gender Justice: Emerging Feminist Voices in Islam

Ziba Mir-Hosseini

If justice and equity are intrinsic Islamic values – as Muslim jurists claim and all Muslims believe — should they not be reflected in laws regulating relations between men and women and their respective rights? Why have women been treated as second-class citizens in Islamic jurisprudential texts that came to define the terms of the Shari‘a?

These are the questions that I came to confront in 1979, when my personal and intellectual life was transformed by the victory of Islamism – that is the use of Islam as a political ideology – in my own country. Like most Iranian woman, I strongly supported the 1979 Revolution and believed in the justice of Islam. But I soon found out that in an Islamic state – committed to

the application of the Shari‘a – the backbone of the Islamist project – I was a second-class citizen. This brought the realization that the justice of Islam in modern times cannot be achieved without the ‘modernization’ and ‘democratization’ of its legal vision. For this, Islamic discourses and Islamists must come to terms with the issue of rights – especially those of women. The justice of Islam is no longer reflected in the laws that some Islamists are intent on enforcing in the name of the Shari‘a.

A Painful Choice

This takes us to the vexed relationship between Islam and feminism, and the complex relation between demands for equal rights for women and the anti-colonial and nationalist movements of the first part of the twentieth century.

At a time when feminism, both as a consciousness and as a movement, was being shaped and making its impact in Europe and North America, as Leila Ahmed and others have shown, it also “functioned to morally justify the attacks on native [Muslim] societies and to support the notion of the comprehensive superiority of Europe.”¹

With the rise of anti-colonialist and nationalist movements, Muslims were thrown on the defensive in relation to traditional gender relations. Muslim women who acquired a feminist consciousness and advocated equal rights for women were under pressure to conform to anti-colonialist or nationalist priorities. Any dissent could be construed as a kind of betrayal. Western feminists could criticize patriarchal elements of their own cultures and religions in the name of modernity, liberalism and democracy, but Muslim women were unable to draw either on these external ideologies or on internal political ideologies (i.e. nationalism and anti-colonialism) in their fight for gender justice. For most modernists and liberals, ‘Islam’ was a patriarchal religion that must be rejected. For nationalists and anti-colonialists, ‘feminism’ – the advocacy of women’s rights – was a colonial project and

must be resisted. Muslim women, in other words, were faced with a painful choice. They had to choose between their Muslim identity – their faith – and their new gender awareness.

But as the twentieth century drew to a close, this dilemma disappeared. One neglected and paradoxical consequence of the rise of political Islam is that it has helped to create a space, an arena, within which Muslim women can reconcile their faith and identity with their struggle for gender equality. This did not happen, I must stress, because the Islamists were offering an egalitarian vision of gender relations. Rather, their very project – ‘return to the Shari‘a’ – and their attempt to translate the patriarchal notions inherent in orthodox interpretations of Islamic law into policy, provoked increasing criticism of these notions among many women, and became a spur to greater activism. A growing number of women have come to see no inherent or logical link between patriarchy and Islamic ideals, and no contradiction between Islam and feminism, and to free themselves from the strait-jacket of earlier anti-colonial and nationalist discourses.

A New Gender Discourse

By the late 1980s, there were clear signs of the emergence of a new consciousness, a new way of thinking, a gender discourse that is ‘feminist’ in its aspiration and demands, yet is ‘Islamic’ in its language and sources of legitimacy. Some versions of this new discourse have been labelled ‘Islamic Feminism’, a term that continues to be contested by both the majority of Islamists and some feminists, who see it as antithetical to their respective positions and ideologies, according to which the notion of ‘Islamic feminism’ is a contradiction in terms.

What, then, is ‘Islamic feminism’? How does it differ from other feminisms? These questions can best be answered by examining the dynamics of ‘Islamic feminism’ and its potential in the Muslim world. It is difficult and perhaps futile to put the emerging feminist voices in Islam into neat cat-

egories, and to try to generate a definition that reflects all the differing positions and approaches of so-called ‘Islamic feminists’. Like other feminists, their positions are local, diverse, multiple and evolving. Many of them have difficulties with the label, and object to being called either ‘Islamic’ or ‘feminist’. They all seek gender justice and equality for women, though they do not always agree on what constitutes ‘justice’ or ‘equality’ or the best ways of attaining them. In my view, any definition of ‘Islamic feminism’, rather than clarifying, may cloud our understanding of a phenomenon that, in Margot Badran’s words, “transcends and destroys old binaries that have been constructed. These included polarities between religious and secular and between ‘East’ and ‘West’.”²

To understand a discourse that is still in formation, we might start by considering how its opponents depict it, in other words, the resistance against which it has sought to struggle. Opponents of the feminist project in Islam fall into three broad categories: Muslim traditionalists, Islamic fundamentalists and ‘secular fundamentalists’. The Muslim traditionalists resist any changes in what they hold to be eternally valid ways, sanctioned by an unchanging Shari‘a. Islamic fundamentalists – a very broad category – are those who seek to change current practices by a return to an earlier, ‘purer’ version of the Shari‘a. Secular fundamentalists – who can be just as dogmatic and as ideological as religious fundamentalists – deny that any Shari‘a-based law or social practice can be just or equal.

Though adhering to very different positions and scholarly traditions and following very different agendas, all these opponents of the feminist project in Islam share one thing in common: an essentialist and non-historical understanding of Islamic law and gender. They fail to recognize that assumptions and laws about gender in Islam – as in any other religion – are socially constructed, and thus open to negotiation and historically changing. They resist readings of Islamic law that treat it like any other system of law, and disguise their resistance by mystification and misrepresentation. Selective in their arguments and illustrations, the three kinds of opponents

resort to the same kinds of sophistry, for example seeking to close discussion by producing Qur'anic verses or hadiths, taken out of context. Muslim traditionalists and fundamentalists do this as a means of silencing other internal voices, and abuse the authority of the text for authoritarian purposes. Secular fundamentalists do the same, but in the name of progress and science and as means of showing the misogyny of Islamic texts, while ignoring both the similar attitudes to women in other religious scriptures, and the contexts of the texts, as well as the existence of alternative texts. In so doing, they end up essentializing and perpetuating difference, and reproduce a crude version of the Orientalist narrative of Islam.³

It is against this backdrop that activities of the so-called 'Islamic feminists' should be reviewed. By both uncovering a hidden history and rereading textual sources, they are proving that the inequalities embedded in Islamic law are neither manifestations of a divine will, nor cornerstones of an irredeemably backward social system, but human constructions. They are also showing how such unequal constructions go contrary to the very essence of divine justice as revealed in the Qur'an, and how Islam's sacred texts have been tainted by the ideology of their interpreters. For example, men's unilateral rights to divorce (*talaq*) and to polygyny were not granted them by God, they show, but by Muslim jurists. They are juristic constructs that follow from the way that early Muslim jurists conceptualized and defined marriage: as a contract of exchange patterned after the contract of sale, which, by the way, served as a model for most contracts in Islamic law.

Un-reading Patriarchy in Sacred Texts

The majority of these feminist scholars have focused their energy on the field of Qur'anic interpretation (*tafsir*) and have successfully uncovered the Qur'an's egalitarian message.⁴ The genesis of gender inequality in Islamic law, these scholars tell us, lies in an inner contradiction between the ideals of Islam and the social norms of the early Muslim cultures. While the ideals

of Islam call for freedom, justice and equality, Muslim social norms and structures in the formative years of Islamic law impeded their realization. Instead, these social norms were assimilated into Islamic jurisprudence through a set of theological, legal and social theories and assumptions. Salient among them were propositions such as: “women are created of men and for men”, “women are inferior to men”, “women need to be protected”, “men are guardians and protectors of women”, “marriage is a contract of exchange”, and “male and female sexuality differ and the latter is dangerous to the social order.” These assumptions and theories are nowhere more evident than in the rules that define the formation and termination of marriage, through which gender inequalities are sustained in present-day Muslim societies. In my own work on marriage and divorce, I have tried to engage with these juristic assumptions, to show how the science of Islamic jurisprudence became the prisoner of its own legal theories, which in time came to by-pass the Qur’anic call for justice and reform.⁵

These emerging feminist voices in Islam are in a unique position to bring about a much-needed paradigm shift in Islamic law. This is so because they expose the inequalities embedded in Islamic law not as a manifestation of the divine will but as a construction by male jurists. This can have important epistemological and political consequences. Epistemological, because if this argument is taken to its logical conclusion, then it becomes that evident that some rules that, until now, have been claimed as ‘Islamic’, and part of the Shari‘a, are in fact only the views and perceptions of some Muslims, and are social practices and norms that are neither sacred nor immutable but human and changing. Political, because this can both free Muslims from taking a defensive position and enable them to go beyond old *fiqh* wisdoms in search of new questions and new answers.

Such an approach to religious texts can in time open the way for radical and positive changes in Islamic law to accommodate concepts such as gender equality and human rights. Whether this will ever happen, and whether these concepts will ever be reflected in state legislation, depends on the bal-

ance of power between Traditionalists and Reformists in each Muslim country, and on women's ability to organize and participate in the political process, and to engage with the advocates of each discourse. But it is important to remember three things.

First, Islamic law – like any other system of law – is reactive, in the sense that it reacts to social practices and people's experiences; it has both the potential and the legal mechanisms to deal with women's demand for equality. We must not forget that most often, legal theory follows practice; that is to say, when social reality changes, then social pressure will effect changes in the law.

Secondly, Islamic law is still the monopoly of male scholars, whose knowledge of women comes from texts and manuals, all written by men, all constructed with juristic logic, reflecting the realities of another age and a different set of interests. This monopoly must be broken; this can be done only when Muslim women participate in the production of knowledge, when they are able to ask new and daring questions.

Finally, there is a theoretical concord between the egalitarian spirit of Islam and the feminist quest for justice and a just world. It is perhaps this that makes the feminist project in Islam so unsettling to conventional views and vested interests in the Muslim world and beyond. ■

Anmerkungen

- ¹ Leila Ahmed, *Women and Gender in Islam* (New Haven: Yale University Press, 1992), p. 54.
- ² Margot Badran, "Islamic Feminism: What's in a Name?" *Al-Ahram Weekly Online*, Issue No. 569, 17-23 January 2002.
- ³ For instance, see Haideh Moghissi, *Feminism and Islamic Fundamentalism: The Limits of Postmodern Analysis* (London & New York: The Zed Press, 1999).
- ⁴ See, for instance, Asma Barlas, *Believing Women in Islam: Unreading Patriarchal Interpretations of the Qur'an* (Texas University Press, 2002); Riffat Hassan, "Equal Before Allah? – Woman-Man Equality in the Islamic Tradition" in her *Selected Articles (Women Living Under Muslim Laws*, n.d., 26-9; original in *Harvard Divinity Bulletin* 7, no. 2, Jan-May 1987); Fatima Memissi, *Women and Islam: An Historical and Theological Enquiry*, trans. Mary Jo Lakeland (Oxford: Blackwell, 1991); Amina Wadud, *Qur'an and Woman:*

Reading of the Sacred Text from a Woman's Perspective (New York: Oxford University Press, 1999).

- ⁵ Ziba Mir-Hosseini, *Islam and Gender: The Religious Debate in Contemporary Iran* (Princeton University Press, 1999); and "The Construction of Gender in Islamic Legal Thought and Strategies for Reform," *Hawwa: Journal of Women in the Middle East and the Islamic World*, Vol 1, No 1, 2003, pp. 1-28.

What is the family worth to the state?

Elisabeth Jünemann

What is the family worth to the state? Or: What should the family be worth to the state – to be fair? There are three questions that are raised: 1. What is the family worth? What is the purpose of the family? 2. How much is the family worth to the state? What does the state do in order to esteem it? 3. How much should the family be worth to the state? How does the esteem given by the state meet the family's needs?

1. What is the family worth?

This is the question about the role of the family, about its social performance.

With all the lachrymose complaints about the family, the society still expects of the family a particular performance – a performance it does only

expect of the family. It is still counted on the family when it comes to produce achievements the modern, liberal and multi-value society lives on but is not able to produce on its own within its political and economic systems. It is about “human capital” in the society, a term which has been chosen to be the worst word of the year.

It is counted on the family when it comes to human beings' reproduction: Discussing Germany's demographic situation and respective consequences has no longer been something honourable. Without children, you can establish neither a state, nor economy, nor the church. The family is counted on when it comes to people's development. The family is regarded as being the place of the “incarnation” of the individual, as being the place of an initial personal development, a place where it should be possible to become an individual human being and, at the same time, to develop a social identity – something that makes a national citizen be able to face plurality.

It is still expected of the family to assume responsibility for the entire human being of who theological anthropology says that man is body, spirit and soul. The family is the place where people find a social feedback as to everything that matters to them, everything that concerns them. There is no other place where this is possible or where they can expect it. Nowhere is there so much disappointment if expectations are not being fulfilled.

The family is counted on – with justification. The family is the society's function system, it assumes the function of taking a person into complete consideration, of consolidating and stabilising the person. This is how the sociologist Peter Fuchs describes the function of the family and, at the same time, the performance produced by the family for the society. Nowhere else is it about considering the entire person, the entire human being. Within the family, the body is taken into consideration: everything we associate with the body, sexuality, conception, breast-feeding, feeding, metabolism, growing up, health, strength, weakness, illness, age, death – it is the family where it is to be taken into account. Within the family, spirit and psyche are

taken into consideration: everything we associate with it, life energy, life pleasure and the danger to lose it, longing for understanding and being understood, for creativity and fantasy, for reason and insight, longing for happiness and love, for fulfilling it or for its failure – it is the family where it is to be taken into account. Within the family, it is about taking into consideration what we call soul: a divine strength that changes people, that establishes a relationship between people's wishes and fears for life and God, that makes people lively and powerful – it is the family where it has to be taken into account.

The family is counted on – with justification. It is only the family where it is about taking a person into complete consideration, the entire person which means body, spirit and soul. This is an extreme demand and an extreme burden. Why should people face it, bear it – if not because of love? To put it in a cool sociological way: Within the intimate system of the family which is the enlargement of the so-called two-intimate system of a couple, the media of communication called love has to be accepted. This means: taking one another into complete consideration does only work if love is involved. You have to love within the family. It is not allowed not to love. Dislike and neglect, or even partial dislike and partial neglect (“I love your eyes but spare me your stupid gossip.”) are not being tolerated. Because, if love is the prerequisite for a working function, a lack of love will cause a catastrophe. These are the corresponding effects of divorces within families.

The family is counted on – with justification – on the one hand. On the other hand, experiences show that families fail to fulfil their function. Why is it this way? Whether it is put in sociological terms when it comes to the family's function of “complete consideration” and to the means of communication called love without which the complete consideration does not work. Or whether it is put in a theological, ethical way when it comes to mutual services rendered by the family members in order to understand each other as an entire human being and to help to achieve a successful life,

which namely is possible when acting in “love and solidarity” (CA 39,1) as it is formulated by the Sozialenzyklika Centesimus annus: The result or, so to speak, the intersection is the following: The family is about two things: function and love. It is about two types of logic, the one of function and the one of love. This makes the family an extremely complex structure and an extremely fragile one. For where it is not possible to combine function and love, where function or love get under pressure, where love or function break off, the entire structure of the family faces an emergency. This leads to a catastrophe. Catastrophes increase. More and more families are more and more often not able to take their children into “complete consideration” or to help them to achieve a successful life. This happens in all social environments, in all cultural environments and in all stages of family life. It happens more and more often that the family fails. The reason for failing is less the people's inability that has been deplored again and again, or people's displeasure which has been denounced again and again, as to commit oneself to each other in mutual love and for the purpose of caring for each other. At least that often, the fragile relation between function and love fails because of changes affecting those conditions which once used to support the function to be fulfilled within the family. The fragile relation between function and love fails because of social changes which confuse families, and primarily their function. And there is no question that confusing the family's function, in turn, confuses love within the family and its sense of community.

The family is counted on. The family is able to achieve what is expected from it. However, in order to put it with the words of Berthold Brecht, the circumstances are not that way. Families fail. They primarily fail because of the circumstances. They mainly fail because of conflict potentials which emerge from the outside. In the field of economy for instance, they come from insecurity on the labour market, the demand to show time flexibility and mobility, unfavourable career prospects for mothers and a double burden for mothers and fathers. As to politics, they are caused by an insuffi-

ciently granted equalisation of burden and performance. With regard to the educational system, they come from an increasing excessive demand to push children as early as possible, as quickly as possible and as successful as possible to get a school-leaving qualification, to prepare them as early as possible and as efficient as possible to enter the labour market. Such pressures confuse the family's function and solidarity. Depending on how much confusion is caused and what resources the family has, it ends up with failure. Wherever many children have to be looked after and to be brought up, where one partner is absent or drops out because of a physical and psychological disease, where money is lacked because of unemployment, an inability or unwillingness to work, or where it is not possible to make gainful employment compatible with the family, where intellectual or practical competence is lacked, confusing intervention from the outside immediately leads to a failure of the family.

What is the family worth? What is the purpose of it? In any case, it is the only place where people, old and young ones, may count on being taken into complete consideration with all their physical needs, psychological and intellectual needs, and mental needs.

2. What is the family worth to the state?

This is the question about the state's response to the family's function and performance

The state and society both depend on the family's function and performance. If the family does not work, if the family does not achieve performance, it has a negative impact on almost all other areas in society. Accordingly this situation causes problems: On the one hand, there is the certainty that a working family guarantees the future of the society. On the other hand, there are worries that fewer and fewer women and men run the high risk of failure, and more and more women and men dispense with founding a family.

There is, on the one hand, the experience that children and adults need the family as a reliable place where they are taken into complete consideration, and, on the other hand, the experience that families fail to fulfil their function a thousand times over due to everyday life conditions. There are, on the one hand, justified demands to fulfil the family's function, and on the other hand, there are conditions under which it is very difficult for the family to live up to its function.

The state and society which depend on the family's function and on its performance respond accordingly in their own interest by prevention and intervention measures. There is no question. Since a new period in social history has been launched with developing the social state in Western Europe, there have continuously been attempts to live up to the changed social situation of the family. Since that time, again and again, social strategies have been developed which seem to be suitable to strengthen and to protect families. Supporting social structures are being introduced in order to mitigate the hardship entailed by the economic system's logic. Collective security and supporting benefits are being strengthened in order to tackle economic distress families have to face. Arrangements how to organise work are being concluded which are to give parents, especially mothers the opportunity to participate in the economic system as well as in the intimate system, to make carrier life compatible with family life. Structures are being consolidated which ensure education outside the family and which make it increasingly possible to also nurse and care for elderly and ill people outside the family. Organisations are being extended where, increasingly, children are being cared for and also brought up outside the family.

The state and society which depend on the family's function and its performance respond in two ways with quite different effects to apparently increasing difficulties families have to face when it comes to meet physical, intellectual and mental needs of family members, especially the needs of children: On the one hand, they address the family as a function system, on the other hand, they address single partial functions of the family. On the

one hand, they consolidate the family with its function by ensuring that the family receives and maintains such necessary resources as time, money, competence, it requires in order to guarantee the function of taking the person into complete consideration. On the other hand, they just try to maintain single partial functions, as for instance to care for and bring up children, to care for the elderly etc., by removing them from the family.

The state and politics which depend on the family's function and performance introduce step by step substitute benefits which remove a part or several parts from the family's function. They count on strategies that "support" the family, strategies that transfer parts of taking the person into complete consideration to alien systems, for example to care, education and social work systems. These are strategies that help if, for instance, it is assumed that it would be better for the grandmother to be in professional care provided by the "Belvedere" home for the elderly instead of being at home with the daughter-in-law who is put under stress. They help if it is assumed that it would be better for children to be in professional care during the day than to be at home with their parents who have permanently to struggle between meeting the demands placed by their boss and the one of their children. Or as not least, the army of super nannies makes it clear to the whole nation by television, they help parents who lack basic competencies to meet the physical, intellectual and mental needs of children, and who fail to fulfil basic tasks in a family. These are strategies that help if you put up with loosening ties of material security to the family, ties of education and training to the family, religious and moral bonds, bonds to the family as to attending and caring for each other, bonds to the family when it comes to taking people and their wellbeing into complete consideration.

The state and politics that depend on the family's function and performance, try to strengthen the family as a function system, to strengthen the family and its ability to work and to perform. They count on strategies that exempt family members for the purpose of fulfilling their task; in ideal terms as far as the time is concerned they need for their family, and (time is money) in

material terms when it comes to financial means they need for maintaining their family. They count on strategies that consolidate the competencies which are necessary in order to take a person into complete consideration. Furthermore, they promote programs offered for family and parent education. These are strategies which help if you assume that children and parents, young and elderly people have the desire to live an intimate life and the right to receive any support to meet this need; if you assume that people, young and elderly ones, need an environment that promises to take their physical, intellectual and mental needs into account without expecting something in turn, just because of love; and if you assume that they have a right to get everything they need in order to create and maintain such an environment independently.

What is the family worth to the state? In any case, the state is dependent on the family's function and performance, and in its own interest, the state responds in two ways to obvious function problems: on the one hand, by strengthening the resources of the family, and thus by strengthening the function system of the family, and on the other hand, by transferring partial functions to other systems, and thus by weakening or even dissolving the function system of the family step by step.

3. How much should the family be worth to the state?

This is the question about what has to be done by the state and politics in response to the family's performance (lack of it), to be fair.

From the perspective of Catholic social doctrine, the answer is clear. The system of the family has to be kept an eye on, it has to be regarded as a system, as an independent entity which has its own particular function, and its own logic which has to be maintained. The family's logic and function have to be protected against attempts from outside to bend them. The function of caring for the entire human being, the decision about how to fulfil this function has to be maintained within the family. This is in accordance with the

social, ethical ideas of subsidiarity (Quadragesimo anno 79) as well as with the system-theoretical ideas of the autopoiesis of systems (N. Luhmann), which cannot be violated without destroying the family's ability to operate and all its social achievements. Intervention into the family's independence, assuming partial functions of the family by other systems does only then make sense and is only then justified if, and as long as, the family is not able to take members into complete consideration.

Family-friendly policy or a just family policy in the sense of Christian social ethics or Catholic social doctrine means: making possible and promoting the family's function of taking people into complete consideration which requires love. What road should be taken to establish a just esteem in this respect? What course may corresponding strategies take? In any case, corresponding strategies meet their purpose in structural and personnel terms by applying prevention and intervention measures. They refer to people who have the competency to live up to the function of the system, or who do not have it. They refer to the social structure where it is possible for the family system to work or where it is not possible. They count on prevention and on enabling people to act with competence. They also count on structures that reduce the risks of the family system to be occupied by other systems, as for instance by the economic one, and that increase opportunities of developing family-favourable links, for instance, with economy. Moreover, they count on intervention, on reliable support in cases where people are not able and competent to meet the family's function. And they count on reliable links to other systems, for instance to the one of social work or care, in cases where the family system is just not able to work because of its logic.

Family-friendly policy or a just family policy in the sense of Christian social ethics or Catholic social doctrine means precisely:

- Leading a family requires competencies. However, there are few opportunities to learn them. People who achieve this within a family are

expected to intuitively apply this competence. Wherever parents or grandparents are not able to pass on such competencies, where instructions how to take a person into complete consideration including all its aspects are not provided by the family of origin, where no opportunity of “learning by doing” exists, this competence is more and more disappearing. Complaints about young parents who are willing but not able to lead a family become more frequent and louder. There is a lack of structures where the competence of taking a person into complete consideration can be attained by everybody, every man and every woman, especially by those who belong to classes that have no close relation to education. There is a lack of incentives for parents to attain these competencies.

- Family life is more and more disturbed by confusion from the outside and is more and more threatened to fail. Wherever preventive measures do no longer fulfil their purpose, it is possible to provide fast aid that is compatible with the family without entailing huge administrative efforts. This normally means an “ambulant”, inter-linked intervention to tackle crises.
- Families are more and more threatened by being occupied by economy. There is an ever growing danger of putting contradictory requirements of economy before the needs of the family. Parents should have the opportunity to decide on their own whether they choose the model “profession and family” which, at the moment, is presented being the only contemporary one, the classical model “family instead of profession” which is often too quickly called being obsolete, or the future model “the family as a profession”. The model “family and profession” needs a family-friendly compliance between family and economy, it demands working conditions which really guarantee a time flexibility (as to hours, days or even years) for women and men which is in line with the family. The model “family instead of profession” demands an independence of economy at least for a certain period of time, it demands an ideal and material esteem of work done within the family which makes it possible to

- exempt people for this type of work. It is about an esteem which could lead to the third model “family as a profession”.
- A material esteem of work done within the family by introducing a model called “family as a profession” would acknowledge the competent performance it needs in order to keep a family working. Keeping the function of a family working, just as keeping the function of other systems, as for instance the one of economy, care, social work, working, is a competent performance which has been acknowledged as being indispensable for the society and important for the community's wellbeing. However, people who achieve such a performance are expected to do it free of charge. This is something which is not only do to the family's double structure of function and love. It is this double structure of function and love that causes confusion. What is function? What is love? Function can be calculated, love not. How is it possible to live up to both? The best way is to do it immaterially according to some people. They say anything else would pervert love. According to others, this is not fair compared to the function. The function is performance, work which can and must be paid for. The fact that this double structure of love and function has always caused problems when it has been about appreciation and material evaluation of system-specific performances, is shown by regarding the difficult development of payment for services provided by systems like social work or care where the original link between function and Christian charity is typical. For quite a long time, performance within these systems was regarded to be something that cannot be paid. For quite a long time, it was not regarded being a profession, and still today people have difficulties to call it a “profession”. It may be very arduous but it is possible to fairly esteem work that is indispensable for the society, work provided by the family to children, ill and elderly people, which is not only a benefit given to people who need this care but also to the society as a whole. It is possible to enable people to fulfil this work with competency. And it is also possible to give these people a fair payment instead of sponsoring them here and there in a friendly way. This

does not least contribute to raise motivation to attain the competence necessary for work within a family.

- Imagine the performance done within the family would be acknowledged as a profession, as work which is a regular one in any aspect, one that could be described concerning its activity carried out, concerning the qualification which is required in order to perform this activity, concerning the resources needed, the time scale needed for the activity and a payment that is in line with the performance, taxes, compulsory insurance and so on. Imagine work done within the family, performed by parents, mothers and fathers or a third competent person as so called “core profession” of the intimate system. Imagine the competence attained during educational and care services within the family would be passed on as a “professional” competence, would be deepened and become provable by corresponding further education and training. Imagine it would not be compulsory for every man or every woman who wants to found a family but for all those who want to get such a pay for performances within the family. Imagine a case where partial functions of the family cannot be covered for a certain period of time or forever, where performance can not be produced in the field of the education of children or when it comes to problems within the partnership, and where then the responsible persons would give an order to a profession provided by other systems, as for instance by social work, concerning a corresponding supplement and where these people would cover it.

Theological ethics also lives on visions, on ideas of what shape could just relations have. Their political and economic realisation are often an arduous business.

The philosopher Schopenhauer, who perhaps should not be quoted in relation with the topic of family justice because of his almost chauvinistic statements concerning the task of women, ones said: “New ideas and new truths are imposed in three stages. First, they are smiled at, afterwards they are

heavily combated. Finally, they become something taken for granted. The attempt to justly esteem the performance done within the family seems to be stuck at stage number 2, at the moment. It has entered political discussions. The hope remains that at least one part reaches the third stage, the one of becoming something taken for granted, without any impairments and without recklessly endangering peace in society by the necessary discourse.

For reading more about it, refer to:

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