

# Family, State, and Civil Society in Islamic Communities

The workshop on 'Family, State, and Civil Society in Islamic Communities: Legal and Sociological Perspectives', held in Florence, Italy, from 21 to 25 March 2001, was a follow-up of a previous workshop held in Berlin (see *ISIM Newsletter*, 6, p. 3). Both comprise part of a series of meetings, organized by the ISIM and the AKMI, which is devoted to relations between family, state and civil society in Islamic communities in the Islamic world and Europe. The 'Family, State, and Civil Society' workshop was hosted by the Robert Schuman Centre at the European University Institute in Florence as part of the 2<sup>nd</sup> Mediterranean Social and Political Research Meeting. The workshop directors were Abdullahi A. An-Na'im (Emory University, Atlanta, Visiting Professor at ISIM) and Laila al-Zwaini (ISIM). Muhammad Khalid Masud opened the workshop.

Family law constitutes – next to penal law – the most controversial area of law in the modern Islamic world. Considering the salience of this topic, relatively little has been published in this field in Western languages. Comparative literature on family law developments, both in legislative texts and as applied by Islamic and secular courts, is scant. Furthermore, law in general – family law being no exception – is often left to students of law, and is thus not usually subject to social science approaches. With this in mind, the first ISIM/AKMI workshop on Islamic family law, entitled 'Family and Family Law in Asia and the Middle East', was aimed at creating a network of scholars currently based in Europe, who employ social science methodologies in the study of family law, its historical and regional developments and its interpretation by the courts.

The 'Family, State, and Civil Society' workshop proceeded towards a scholarly-practitioner's approach to the subject, with participants both from the West and from various Islamic communities. The workshop also forms the overture to the second phase of the Islamic Family Law (IFL) Project (see also:

www.law.emory.edu.ifl), and as such aims at clarifying the basic concepts, actors and processes of improving respect for human rights in this field, in addition to beginning to develop the contacts and resources needed for the practical implementation of the project. The ISIM/AKMI workshops on Family Law now constitute a forum of scholars from various disciplines together with practitioners, all of whom are involved in the latest developments in the reformulation of family law, the negotiation processes between state and civil society, the implementation of family law cases in courts, and informal practices of solving family matters, with special emphasis on the position and rights of women and children.

The workshop was subdivided into three themes. The first was 'The anatomy and internal dynamics of family, state, and civil society', devoted to outlining a comparative-theoretical framework of the three key concepts (family, state, civil society) with regard to their nature, context, and transformation in a local and global setting. The second theme, 'Tripartite interaction between family, state, and civil society', involved an analysis of the power relations, actors, determination and implementation of social policy, and dynamics of processes between the three 'social fields'. On the basis of a combined scholarly-practitioner's methodology, the last theme, 'Strategies for an internalized human rights approach to family relations', was aimed at drafting a frame of reference and strategy for the implementation of an internalized human rights approach to family relations in Islamic communities today, regarding issues such as equality and autonomy for women, protection of women against domestic violence, and children's rights.

Papers presented:

- An-Na'im, Abdullahi A. (Emory University, Atlanta) & al-Zwaini, Laila (ISIM), *Rights at Home: An Approach to the Internalization of Human Rights in Family Relations in Islamic Communities*
- Bargach, Jamila (Ecole Nationale d'Architecture, Rabat), *Abandoned Children as a Human Rights Issue*
- Buskens, Léon (Leiden University), *Debates on the Reform of the Moroccan Code of Personal Status*
- Fawzi al-Ghamri, Mohammed Essam (Alternative Development Studies Center, Cairo), *Family Law in Egypt: Current Situation and Prospects of Further Development* (paper presented by Ivesa Luebben, Berlin)
- Hamzawy, Amr (Free University of Berlin), *The Arab Discussion on Civil Society: Between the Search for a New Paradigm of Democratisation and the Controversy on the Political Role of Religion*
- Moors, Annelies (ISIM), *Debating the Family: On Marriage, Materiality and Modernity*
- Murshid, Tazeen M. (Brussels), *Violence Against Women: Sexual Misdemeanours, Village Shalish and Shariah Courts in Post-Colonial South Asia*
- Rutten, Susan W.E. (University of Maastricht), *Islamic Family Law in Europe*
- Schulz, Dorothea (Free University of Berlin), *New Muslim Movements and the Struggle over the Reform of Family Law in Democratic Mali*
- Welchman, Lynn (CIMEL/SOAS, London), *Staking out the Territory: Family Law Debates in Transitional Palestine*
- Wuerth, Anna (Human Rights Watch, Washington), *The State, Activism and*

*Social Class: Family Law Reform in Post-Unification Yemen*

A full report of the workshop has been drawn up by Nahda Y. Sh'hada (International Institute of Social Studies, The Hague) and will be published by ZED Publications, London. Apart from the contents of the papers, the publication will include a detailed account of the discussion, demonstrating the difficulty for an observer to distinguish during the debates whether activism or academicism was being voiced. The enthusiasm and devotion of the participants, the challenging realities they revealed, and the rigorous analyses they advanced, highlighted the fact that activism is a necessary adjunct to academia in this particular field. The participants were aware of the complexity of the subject matter, which prompted them to address new theoretical and methodological issues. With respect to issues such as the negotiation processes between state and civil society, the implementation of family law cases in courts, and informal practices of solving family matters, the discussion moved forward the analytical frames of the papers discussed. At another level, the workshop demonstrated a noticeable advancement in analysing the concepts used. It concerned changes in the broader context and conditions under which the discussion is frequently conducted – in other words, the workshop did not view the family, the state and civil society as predefined given units.

The third meeting of this series will convene in January 2002 in Morocco. Further details on this meeting will be made available on the ISIM website.