

VOLUME 21

# Diversity and Female Political Participation: Views on and from the Arab World

**Claudia Derrichs** Diversity and Political Participation in the Arab World  
**Hoda Salah** From *Jihad* to Gender *Jihad*: Islamic Feminists between Regional Activism and Transnationalism  
**Azadeh Zamirrad** and **Hala Kindelberger** Equality by Decree? Political Participation of Women in Egypt  
**Dana Fennert** Moroccan

Feminists and the Reform of the Personal Status Code  
**Vânia Carvalho Pinto** Women and Political Participation in the United Arab Emirates  
**Hala Kindelberger** Between Neo-patriarchy, Islamization, and Democratization: Gender Equality in Kuwait





# **DIVERSITY AND FEMALE POLITICAL PARTICIPATION: VIEWS ON AND FROM THE ARAB WORLD**



**HEINRICH BÖLL STIFTUNG  
PUBLICATION SERIES ON DEMOCRACY  
VOLUME 21**

# **Diversity and Female Political Participation: Views on and from the Arab World**

**Concept, compilation and editing by Claudia Derichs**

**Edited by the Heinrich Böll Foundation**

Diversity and Female Political Participation: Views on and from the Arab World  
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## FOREWORD

What does the political participation of women look like within the immense diversity of the Arabic world? Which visions have women had and which political experiences have they made in the modernization process of Arabic society? How are gender conditions linked to the possibility of achieving good governance and democracy? Which roles does Islam play in enforcing women participation in this part of the world? In this edition of the Heinrich Boell Foundation's series on Democracy, these questions are analyzed based on historical and current developments of gender relationships, and the role of women in the politics of Egypt, Morocco, the United Arab Emirates, and Kuwait.

The contributions were introduced and discussed at the *Women and Politics in Asia – A Springboard for Democracy?* conference hosted by the University of Hildesheim in conjunction with the Heinrich Boell Foundation at the end of September 2009. The wide range of ideologies, norms, and political systems in the Arabic region became apparent at the conference and revealed the varying and often informal road to women's rights. This edition highlights concrete examples and theoretical analyses of how women struggle on the unofficial path between institutional rules and their own genuine political fight for rights and resources. The different roles of Islam and of civil society in Islamic countries can by no means be categorized as only hindering or liberating more political participation by women.

The Heinrich Boell Foundation engages itself globally to overcome the patriarchal conditions and power structures in the private as well as the public spheres. The myriad concepts and lifestyles have been recognized and are considered as being equal. The goal is to make social positions, work, income, and power independent from gender considerations. This vision of gender democracy also applies to our work in Islamic countries and is adapted to the respective circumstances and implemented with local partner organizations in projects. In this manner, the Heinrich Boell Foundation has been able to establish a long-term affiliation with the women's network Women Living Under Muslim Law, which has been fighting for women's rights and women's politics since its founding in the 1980s and is currently operating in 77 countries. For a decade now, we have been supporting the work of the women's rights organization Shirkat Gah, based in Lahore, Pakistan. The organization works in close cooperation with spiritual leaders to address violence against women and their lack of mobility within the context of daily religious practices. In 2009, the Heinrich Boell Foundation commissioned a study on the daily political lives of women and men in the Afghanistan parliament and concluded that the loyalties of elected represen-

tatives lie with the family clans of the people rather than with their respective gender. We also cooperate in Afghanistan with the Women and Children Legal Research Foundation, which is mobilized against the women-adverse practices of *sharia*, in which “women exchanges” are still used as a commodity to settle feuds.

Through the regional women’s program “A life without violence and discrimination is possible!”, the foundation has contributed to the development of the regional women’s network Salma in Egypt, Lebanon, Jordan, and in the Palestinian territories. The multi-year campaign, activities, as well as social sensitization and political lobbying have led to a strengthening of the legal and social positions of women and to more gender equality in the countries involved.

We hope that the present edition also inspires the work of these projects and solidifies and encourages the existing network of stakeholders. We extend our gratitude to Prof. Andrea Fleschenberg and Prof. Claudia Derichs, who tirelessly worked to extend the women’s networks beyond national boundaries, continents, politics, and theory. We also give special thanks to the numerous activists, scientists, and politicians from Asia for their work and commitment to international cooperation. And many thanks to Jana Mittag for the excellent support of the Democracy publication series.

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CLAUDIA DERICHS

# Introduction

## Diversity and Political Participation in the Arab World

Equality, respect for human rights, and protection of citizens' rights by the government are mutually enhancing features of good governance. They are meant to refer to men and women alike, implying that the denial of equal rights and equal participation based on gender discrimination is incompatible with the notion of good governance – and the notion of democracy in a narrower sense of the term good governance. Individual women and women's organizations throughout the Arab world have been emphasizing the importance of equal access (to education, professions, jobs, positions, etc.) and equal opportunities for the political, social, and economic development of their countries. The fourth *Arab Human Development Report*, released in 2005, underscored this finding and recommended a comprehensive and encompassing empowerment of women if developing nations were to cope with the challenges of an ever more demanding globalized world (UNDP 2005). A recent report by Freedom House on *Women's Rights in the Middle East and North Africa*, released in March 2010, states that women in the MENA region (Middle East and North Africa) have made some progress in exercising their human rights, but are still looking at a long road ahead (Kelly 2010: 1). A crucial question that drives researchers on the topic is whether this "long road ahead" is paved with cultural or with political impediments to women's rights. It is certainly both the cultural and the political pavement, so to speak, that provides obstacles to women's thoroughly exercising their rights and participating in their countries' development and politics in a meaningful way. But the proportional relationship of the cultural and the political is of some importance for analysis. In other words, is the progress that has been made thus far by walking this "long road" based on politics and legal institutions guaranteeing the implementation and utilization of rights? Or is it rather based on a society's cultural, social, and religious values that determine the formulation of policies and the implementation of legal norms? The authors in the volume at hand tackle the issue of equal rights and opportunities for men and women from an individual perspective and have different opinions concerning the role of

formal institutions and cultural determinants. They show that the debate is not finished and will continue to occupy scholars' thoughts and discussions.

The question about religious values and affiliations of a society is to a considerable extent associated with the question of the cultural or the political as being arenas for the promotion of women's rights. The MENA region in particular is fruitful turf for the examination of interdependencies between religion and politics. Empirical research has proved convincingly that groups who promote religious identifications target and affect women more than any other societal group. Familial, tribal, and religious communities in the Middle East, which often make for a conflicting relationship within centralized state power, have a peculiar stance toward women's role in society. "These communities understand gender relations as a central element of their respective internal order, which represents the specific identity of the community within its collective conscience and distinguishes it from 'others,'" says Renate Kreile (2009: 257). Picking up the case of Islamist groups as a prominent example of contemporary religious-political activism, Muslim rights activist Norani Othman (2005: 2) finds that the focus of such movements lies "mainly in the context of women's status, rights, roles and responsibilities as members of the family and community." Even if changes in perception and legal status have taken place, Dawn Chatty and Annika Rabo's observation of the mid-1990s still holds true for today's situation: Women are expected "to symbolically represent the cultural integrity of the dominant culture in the country" (Chatty and Rabo 1997: 7). They are the nation's moral face and thus responsible for its moral order. Gender segregation is customary, because women are "perceived first and foremost as wives and mothers" (ibid.).

This perspective on gender roles is not limited to the MENA region, but it is comparatively strong and persistent in this part of the world. Radical convictions in the shape of religious fundamentalisms cater to the consolidation of fixed gender roles. They limit women's agency and room for maneuvers in the public (political) arena (Derichs and Fleschenberg 2010), and even more so in the private sphere (Salah 2009 and in this volume). The increased globalization of social, political, and economic transactions has, among several other outcomes, led to a resurgence of various and oftentimes highly contentious currents of religiously defined fundamentalisms. These have come up above all as a response to a perceived threat of an ever more complex world, which flushes allegedly "alien" values into even the remotest geographical region. The dispute about values is of a highly gendered nature and touches issues such as feminist thought, reproductive rights, women's legal status, gender role prescriptions, sexual orientations, and political participation. Moreover, the fundamentalist discourse seems to find a common denominator in the view of women's roles and women's rights, regardless of the religious confession a supporter of fundamentalist arguments belongs to. As Mahnaz Afkhami (2010: 10) remarks with reference to Christian and Muslim fundamentalism, Christian Protestants came up as a response to the active and energetic public appearance of women in the early twenties of the last century. Following this trail,

*[a]s was true in the case of fundamentalist Protestantism, Islamism is both a reaction to change and fundamentally political, focusing on the status of women. Indeed, for Islamists every domestic issue is negotiable except women's rights and their position within family and society (ibid.: 11).*

These findings should not, however, lead to a generalized perception of the role of “Islam” for the status of women in the MENA region. As Kreile (2009: 254) points out, “the widespread conception that ‘Islam,’ positively or negatively connoted, is responsible for the status of women in the Middle East [...] is widely criticized as an essentialist misunderstanding.” Islam is a label that serves to legitimate highly diverse gender ideologies, norms, and legal provisions (for instance in the shape of Islamic Family Laws or Personal Status Codes) in all sorts of political systems – in authoritarian as well as transitional (formally democratic) ones; in republics as well as monarchies – and all sorts of nation-states – developing as well as middle-income or developed ones. This diversity becomes evident in the articles of this volume.

## **Religion and diversity**

Diversity and political participation as a theme touches upon the formal mechanisms of women’s political participation, the state-society relationship that determines these mechanisms to a significant extent, and the ideological framework that supports the establishment of legal and cultural norms to become accepted, challenged, or opposed in a given political community. Beyond the stage of formal politics, participation takes place in many an unconventional and informal manner, exhibiting the diversity of approaches, strategies, and agendas of strengthening women’s political and social agency. Seemingly apolitical activities in the “social space,” for instance, may bear a crucial political message to society. Charitable organizations, women’s research centers, or women’s studies institutes are frequently found throughout the region and have gone well beyond their initial charitable or academic tasks by promoting advocacy work for gender equity, women’s empowerment, social development, and social justice at the same time (Moghadam 1997: 35). Can this be regarded as civil society’s political engagement? It certainly can. The notion of civil society should yet be put into perspective, historically as well as conceptually. Chatty and Rabo (1997: 17) remarked for the 1990s that in the Middle East, “civil society is not an organizing principle for managing or controlling groups.” Instead of civil society, they point to the role of the family, kin groups, and tribes as important organizing units – units that Kreile (2009: 254) identifies as “primary communities” and that, as mentioned above, tend to maintain a tense relationship toward the state. Moreover, different societies produce different concepts of civil society. The states of the Persian Gulf are a case in point, since their societal organizations are so enmeshed in the extended networks of the respective royal families that the question of “who then constitutes civil society” is logical and legitimate. This is

unlike the situation in Egypt or Morocco, for instance, where the earlier women's movements were involved in the post-colonial nation-building efforts of their countries and oftentimes closely attached to political parties, but the "second generation" of the 1970s and 80s established itself rather independently as part of civil society and gained remarkable momentum at certain points in time.

The term "diversity" in our volume applies to several kinds of diversity. On the one hand, we find the states and societies of the MENA region to be highly diverse in terms of the legal, formal, and informal avenues for women to exercise political rights and political participation. On the other hand, the species of "woman" is as diverse as human beings can be. In no single society or state of the region would it be appropriate to talk of "the women" of this particular state – although this is admittedly sometimes done for the purpose of typological pragmatism. Yet all authors in this volume acknowledge the high plurality of women's movements in the national, regional, and international arena; the diversity of women, in particular social, political, and cultural contexts; and the caution with which simplifying dichotomies, equations, and contrasts (such as feminist = secular, Western *versus* Islamic, and the like) should be treated.

Aside from a necessarily differentiating view, some general scholarly findings nonetheless pertain to the majority of women in the MENA region (and elsewhere). On the one hand, these findings have been inspired by several academic currents and approaches that gained prominence during the course of the last two or three decades. On the other hand, the actual development of women's organizations, movements, and networks "on the ground," accompanied by changes in the perception of cultural and religious values and identities, has catered for a lively scholarly debate. Academic currents such as subaltern studies or post-colonial studies, approaches based on contentious concepts such as intersectionality, and (equally contested) typological frameworks such as Islamic feminism have spurred research and discourse. On the activist side, the establishment of women's organizations that deliberately distance themselves from "catch all" organizations and do so on the basis of a shared identity, such as "women of the global South"<sup>1</sup> or "women living under Muslim laws,"<sup>2</sup> supplies evidence of particular yet common concerns of women in some parts of the world. General insights that have derived from both scholarly and activist experiences in the pursuit of gender equality, the exercise of women's rights, and the aggregation of voices in order to accumulate political agency are nowadays shared via digital media (in addition to meetings in the real world). The scope of transnational cooperation has widened significantly, as have hybrid self-identifications like "scholar activist" or "academic politician." While the struggle for the

- 1 An example of a network of women of the global South is Development Alternatives with Women in a New Era (DAWN), which became established in 1984. For a profile see <http://www.dawnnet.org> (accessed May 6, 2010).
- 2 An example of this kind of networks is Women Living Under Muslim Laws (WLUML), which was established in 1984 and stretches over 70 countries. See <http://www.wluml.org> (accessed May 6, 2010).

right term is occupying much of the debate particularly among Muslim women – what does a “reformist woman” stand for, what makes for an Islamist, and is there such thing as Islamist feminists?<sup>3</sup> – the issue of cultural authenticity, which was important in the 1980s and 90s, seems to be of minor interest in the current discourse. The turn to religion, symbolized by a “strong identification of cultural authenticity with Islam” (Kandiyoti 1996: 9) has pushed the debate into a specific and in some regards narrowed-down direction. When Deniz Kandiyoti published her famous study, “Gendering the Middle East. Emerging Perspectives,” in the mid-1990s, her assessment of the discursive trend in the region sounded not too hopeful:

*In the Middle East the combination of predominantly Muslim societies’ encounters with an imperialistic West, the flawed nature of agendas for national development and the preoccupation with Islam as a marker of cultural identity, have constrained the discursive possibilities of feminist scholarship and established styles of debate exhibiting remarkable resilience through time (ibid.).*

The discourse has since then markedly shifted from reflecting a secular-religious dichotomy in the search for cultural authenticity to one that is occupied by a feminist interpretation of the religious sources of the Qur’an and Sunnah.<sup>4</sup> This shift is most prominently represented in the specification of feminism as *Islamic* feminism. The term has indubitably advanced to become not only a hotly contested label but at the same time a stimulating notion for local, national, transnational, and international organizations, networks, and movements. Margot Badran (2009a), a historian and outstanding expert in the field, has traced the trajectory of Islamic feminism and its various currents. Islamic feminism emerged in the latter quarter of the 20th century, Badran (2009b: 6) recalls, first in the form of a discourse and then as a social movement. The latter form has rendered the phenomenon politically relevant. Since Islamic feminists used to dig out the “gender-equal” paragraphs and readings of the religious sources and criticize the predominant patriarchal interpretation of the scripture as outdated, they challenge the normative order of their societies and communities. The challenge that Islamic feminists pose is less a direct confrontation of the ruling parties, elites, or autocrats, but a rather subtle raising of an awareness of (equal) rights among men and women. One of the most illustrative examples in this regard is Asra Nomani’s *Islamic Bill of Rights for Women in the Bedroom*, which not only refers to the unequal share of rights in the private sphere, but hints at basic human *and* political (i.e., legally codified) rights such as choosing

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- 3 The conference Reformist Women Thinkers in the Islamic World, hosted by the Woodrow Wilson International Center for Scholars May 4–5, 2010, was one such occasion where the “labeling question” was dealt with. See Esfandiary and Badran (2009).
  - 4 Sunnah is the compilation of words, practices, and habits of the Prophet (Muhammad).

one's partner regardless of his/her sex or religious affiliation (Nomani 2005).<sup>5</sup> Other examples of audacious Muslim women include the Saudi activist Wajeha al-Huwaider, who went out driving a car (which is forbidden for women in Saudi Arabia) on International Women's Day and walked the Causeway that links Bahrain to Saudi Arabia with a huge sign referring to women's rights (Wright 2009: 16). Egyptian activist Dalia Ziada employed the tool of civil disobedience by distributing a copy of a translation she had made of a comic book version of the history of Martin Luther King (ibid.: 15).

At the other end of the spectrum of Islamic feminists stand female scholars of religion like Asma Barlas, who summarized her views under the succinct title of *Islam: Unreading Patriarchal Interpretations of the Quran* (Barlas 2002), or Amina Wadud, who embedded the term "gender *Jihad*" in a highly knowledgeable Qur'anic analysis that stresses not only the compatibility of Islam and feminism, but points out that, in fact, feminism can be carved out from within the heart of Islam (Wadud 2006). The list can be extended, but it may suffice here to demonstrate how multifaceted Islamic feminism presents itself and that it "from day one was a global phenomenon" (M. Badran).<sup>6</sup> With their demands being based on Qur'an and Sunnah, Islamic feminists escape the stigmatizing allegation of political Islam, namely the condemnation of being influenced or even infiltrated by the West. What remains, though, is overcoming what Nayereh Tohidi (2008) has called "the tacit patriarchal bargain between the male elite and *ulama*" [= Islamic scholars, C.D.], which has led to an Oriental backwardness and the reluctance of women's rights in the Greater Middle East.

At this point of the introduction to the volume, the reader may ask why such a big chunk of it is devoted to the discussion of the religion of Islam and its feminist branch in particular. Is this a latent message that the Arab world can be equated with the Islamic world and vice versa, or that all that counts in the Arab world is religion and Islam? Not at all. In the same manner as Kreile has denounced "Islam" as a homogenizing label for highly diverse local, national, and regional settings in and beyond the Middle East (see above), my take on the topic is that there is yet some shared experience of women in the MENA region that has to do something, like it or not, with Islam being the dominant norm and value provider in the region. Islam cannot simply be done away with or declared irrelevant for women's role in politics and society just because it is not the only religion in the region or is of no major concern to women's rights activists. This is too simple a perspective, all the more because religion, culture, and politics are intertwined in various ways. In other words, while emphasizing and calling close attention to the diversity described in the paragraphs above, I subscribe to the view of the

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5 This "Bill of Rights" was presented by Asra Nomani to the Second Islamic Feminism Conference, Barcelona, Spain, Nov. 3–5, 2006. More of Nomani's viewpoints can be found in her book (Nomani 2005).

6 Statement made by Margot Badran in her presentation on "Muslim Women's Secular and Islamic Feminisms" at the conference "Islam, Frauen, Europa" [Islam, Women, Europe], Hannover, Germany, Nov. 14–16, 2008.



international consortium Women's Empowerment in Muslim Contexts (WEMC), which reads as follows:

*WEMC does not view the presence of Islam as the only, or even the most important, driving force of a gender system. On the contrary, [...] we argue that multiple factors combine to create a gender system that defines the circumstances in which women's empowerment takes place. We do, however, take into consideration that the worldview of people in contexts where "Muslim-ness" is of significance will be influenced, among other factors, by their understanding and of and engagement with religion – a situation with immediate repercussions for the gender system in which [Muslim and non-Muslim women alike, C.D.] operate (WEMC 2008: 9).*

Although WEMC concentrates on Asia, the statement counts for any world region with Muslim majorities or minorities, thus no doubt for the Arab world, too. The articles of this volume confirm this stance. Even when state authorities shy away from legitimizing their policies with an overtly strong reference to religious values, the political force of Islamist groups cannot be denied. Although they enjoy tremendous female support in some surroundings, on an average basis they shrink the possibilities of women in exercising agency, asserting their rights, raising their voices, or organizing for collective political action. WEMC's (2008: 6) assessment of political Islamists is strong in its wording when it alleges political Islamists to pursue a "totalistic gender system," but the judgement has been proved many times in women's real lives, as some examples in our volume show, too. The question thus arises: What kind of channels can women utilize in order to develop voice and agency in the political arena instead of being silenced and relegated to a spectator's post? I will discuss this question in light of the political representation of women in the Arab world and the forms of participation at their disposal.

### **Political representation and participation**

Participation in general, and political participation in particular, are to a great extent determined by gender ideologies that assign certain roles and patterns of behavior to each sex. A case in point is the debate about whether a woman can become head of state – a discussion not yet prominent for the Arab world, but certainly becoming a contested one if a woman seriously challenged a male candidate for this position. In formal politics, women's political participation is measured by female voter turnout in national and local elections, engagement in party politics, representation in assemblies and institutions (parliaments, government institutions, etc.), and the respective requirements this kind of participation affords, that is, women's franchise and party or other regulations promoting women's political activity like existence or absence of quota regulations, or the substantial implementation of self-commitment measures of parties or govern-

ments. In some countries of the Arab world, gender quotas have been introduced to break up androcentric policy- and decision-making structures and to open up public life for both sexes. Women politicians from across the party system have, consequently, entered politics at various levels, either through reserved seats or general seats. They negotiate and bargain to implement their policy interests and agendas within their parties, executives, and legislatures, with male and female colleagues at the local, regional, and/or national levels. In countries where women's formal political engagement is still weakly supported by the electorate, such as in Kuwait (see Hala Kindelberger's article in this volume), the rulers have resorted to appointing women for posts in assemblies and committees. While this procedure smacks of offering "crutches" because of a lack of backing for female politicians in the wider public, it is also a procedure that makes women at least visible in the formal political arena. An exclusively negative view on appointed women politicians should, for the time being, be cautioned because the effects of their performance are thus far open to evaluation. Female politicians open up a socially accepted access to political and state-operated spaces to other women. They allow for the formation of opinions and encourage fellow women to vote autonomously and participate in public life.

At the same time, the increased globalization of social, political, and economic practices has led not only to increased interaction (for example, transnational networks and global governance) across countries and regions. In the Gulf, for instance, the Kingdom of Bahrain has launched an intensified program to support women in municipal and parliamentary elections in 2010 – after only one elected woman parliamentarian was elected unopposed in 2006 from a constituency having a relatively small population.<sup>7</sup> In cooperation with the United Nation's Development Programme (UNDP), Bahrain's Supreme Council for Women seeks to empower women who want to run as candidates by offering training and financial assistance (which was done in 2006, too, but apparently in a less successful manner). In the 2007 meeting of the GCC<sup>8</sup> labor and social affairs ministers' meeting, women's empowerment topped the social affairs agenda.<sup>9</sup> The development of women in politics in the Gulf countries has made some remarkable leaps forward since the late 1990s, although Kuwait introduced women's suffrage only in 2005, the United Arab Emirates only in 2006, and Saudi Arabia has until now (2010) not granted its female citizens the right to vote on the national level. Looking at the MENA region on the whole, women became enfranchised at various points in time. Only one MENA state, namely Syria,

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7 See "Bahrain's Plan to Support Women in Polls," *Khaleej Times*, May 7, 2010, [http://www.gulfinthemedial.com/index.php?id=518454&news\\_type=Top&lang=en](http://www.gulfinthemedial.com/index.php?id=518454&news_type=Top&lang=en) (accessed May 29, 2010).

8 Gulf Cooperation Council, comprising Bahrain, Kuwait, Oman, Saudi Arabia, Qatar, and the United Arab Emirates.

9 See "Women's Empowerment Tops GCC Social Affairs Agenda," *Arab News*, Nov. 12, 2007, [http://www.gulfinthemedial.com/index.php?id=357294&news\\_type=Top&lang=en](http://www.gulfinthemedial.com/index.php?id=357294&news_type=Top&lang=en) (accessed January 5, 2008).

granted the right to vote to women before the 1950s (see Table 1). In Morocco, women were first entitled to vote in 1959, but it took until 1963 to also grant them a passive electoral franchise. In Bahrain, women would have been enfranchised since the 1970s, but between 1973 and 2002 no elections at all took place because the constitution was suspended and parliament dissolved in 1975. Until the elections of 2002, parliament did not convene.

**Table 1: Introduction of women's suffrage in the MENA states**

State	Year of Suffrage for Women	
	active franchise	passive franchise
Algeria	1962	1962
Bahrain	1973, 2002*	1973, 2002*
Egypt	1956	1956
Iraq	1980	1980
Iran	1963	1963
Jordan	1974	1974
Lebanon	1952	1952
Libya	1964	1964
Kuwait	2005	2005
Morocco	1959	1963
Oman	1994, 2003*	1994, 2003*
Palestine	1996**	1996**
Qatar	2003	2003
Saudi Arabia	/	/
Syria	1949, 1953*	1953
Tunisia	1959	1959
United Arab Emirates (UAE)	2006	2006
Yemen	1967, 1970*	1967, 1970*

Source: <http://hdrstats.undp.org/en/countries/>

\* Latest change of election law

\*\* Source: Freedom House (<http://freedomhouse.org/template.cfm?page=384&key=262&parent=24&report=86>)

Women's right to vote and the right to run for election translate not automatically into higher turnouts of women voting for women. The results for women running in an election can be quite disappointing, as cases in Kuwait or Bahrain illustrate. Countries with quota regulations are ahead in terms of female political representation in parliament, although a quota system still requires the political

will of both the ruling forces and the electorate to appreciate a certain number of women in assemblies or councils (see Azadeh Zamirirad and Hala Kindelberger on Egypt in this volume). On average, female political representation in Arab countries revolves around 9 percent in the single or lower house (9.2 percent in 2010), around 7 percent in the upper house (7.6 percent in 2010), and is under 9 percent for both houses combined (8.8 percent in 2010) – despite quota systems in several states of the region. This is the lowest average representation of women in comparison to other world regions.<sup>10</sup> Tunisia has the highest percentage of women parliamentarians in the MENA region, followed by Iraq, whereas Saudi Arabia and Qatar remain the taillights because no women have been appointed for the Advisory Council (Qatar) or the Consultative Council (Saudi Arabia) respectively (see Table 2 for 14 MENA states).

**Table 2: Female representation in national assemblies (MENA states, 2010)**

	<b>House / Chamber</b>	<b>Percent of total</b>
Algeria	National People’s Assembly	7.71%
	Council of the Nation (partly app. *)	5.51%
Bahrain	Council of Representatives	2.50%
	Shura Council (app. *)	25.0%
Egypt	People’s Assembly (10 out of 454 app. *)	1.76%
	Shoura Assembly (partly app. *)	0.00%
Iraq	Council of Representatives of Iraq	25.23%
Iran	Islamic Parliament of Iran	2.76%
Jordan	House of Representatives	6.36%
	Senate (app. *)	12.73%
Kuwait	National Assembly	7.69%
Lebanon	National Assembly	3.13%
Libya	General People’s Congress**	7.69%
Morocco	House of Representatives	10.46%
	House of Councilors**	2.22%
Oman	Consultative Council	0.00%
	State Council (app. *)	19.44%
Palestine	- no data available –	
Qatar	Advisory Council (app. *)	0.00%
Saudi Arabia	Consultative Council (app. *)	0.00%
Syria	People’s Assembly	12.40%

<sup>10</sup> Numbers given by the Interparliamentary Union, <http://www.ipu.org/wmn-e/world.htm> (accessed February 28, 2010). The figures for the other world regions in the category “both houses combined” are 22.9 percent (Americas), 21.6 percent (Europe – OSCE members including Nordic countries), 20.0 percent (Europe – OSCE members excluding Nordic countries), 18.4 percent (Asia), 18.6 percent (Sub-Saharan Africa), 15.3 percent Pacific. The Nordic countries take the lead with 42.1 percent female representation in their single or lower houses.

	House / Chamber	Percent of total
Tunisia	Chamber of Deputies	27.57%
	Chamber of Councilors (partly app.*)	15.18%
UAE (United Arab Emirates)	Federal National Council (half app.*, half indirectly elected by electoral college)	22.50%
Yemen	House of Representatives	0.33%
	Consultative Council (app.*)	1.80%

Source: <http://www.ipu.org/parline-e/parlinesearch.asp> (May 31, 2010)

\* app. = members appointed, not elected

\*\* members are indirectly elected by local/municipal committees or councils

Sheer numbers are an insufficient indicator for judging the actual empowerment of women's political representation and participation and should not lead to quick evaluations at first glance. Within the group of the states listed in Table 2, Iraq (25.23 percent) and Tunisia (27.57 percent) show the highest percentages of female members of parliament in elected chambers. Both have implemented quota regulations in order to increase the female share in the national assembly. Those states that have also reached comparatively high numbers (UAE, Oman) have them in chambers with appointed members. In sum, all states with "high scores" of women in national assemblies have attained them either via quota regulations or via appointments. While research on the effects of appointments has not been conducted yet on a global comparative level, the research on different types of quotas, their implementation, and their effects is rich. "Most research focuses on the quantitative outcome, meaning the actual increase of female representation," finds Fleschenberg (2007: 6), and adds that "it needs several elections to assess for instance crucial factors such as performance, incumbency / re-election, entrance into and sustainable positioning in mainstream politics and decision-making" (ibid.).

Drude Dahlerup, an expert in quota regulations and one of the initiators of a worldwide overview of quota systems,<sup>11</sup> discusses the pro and con of this instrument. The crucial question anybody asks when reflecting on quotas and their effects is whether they work or not. This is followed by the question of the qualitative impact of numbers, that is, is it enough to produce a "critical mass" of 30 to 40 percent of women in parliaments in order to increase women's impact in policy- and decision-making? What is the qualitative dimension to quotas? An observation of Amal Sabbagh in Arab societies with strong tribal-patriarchal structures governing social relations illustrates the tricky relationship between quotas and their usage.

*In some cases, tribes have become strong political actors. In one country, the failure of a bid by women to take part in parliamentary elections was attributed to tribalism, its value system and its view of women. In another*

<sup>11</sup> See <http://www.quota-project.org> (accessed May 31, 2010).

*country, tribalism co-opted the quota system and its view of women. The tribe fielded women candidates to ensure that it would win a parliamentary seat (Sabbagh 2007: 12f.).*

With regard to such effects, it is certainly debatable whether quotas are a suitable tool or not. Regardless of a country's opting pro or contra quotas, Dahlerup sees a positive effect in the mere fact of discussing the topic, saying "women's representation might increase as a result of the very debate about introducing quotas." However, Dahlerup stresses that further research is necessary in order to gauge the implementation of this instrument.<sup>12</sup>

Aside from the yes or no question concerning the implementation of quota regulations, it is worth looking at the different forms and types of quotas that have been employed by states in the MENA region. While Egypt is still planning to introduce a 64-seat quota for the lower house in 2010, other countries have been establishing quota regulations for some years already. Table 3 shows the five countries of the MENA that make use of quota regulations and what type of quotas have been installed.

**Table 3: MENA states with quota systems**

State	Reserved seats	Legislated quota	Party quota
Algeria	no	no	yes
Iraq	no	yes	no
Jordan	yes	no	no
Morocco	no	no	yes
Tunisia	no	no	yes

Source: <http://www.quotaproject.org/> (May 31, 2010)

The quota project team around Dahlerup distinguishes between three types of quota systems: reserved seats (following constitutional and/or legislative provisions); legislated candidate quotas (also according to constitutional and/or legislative provisions); and political party quotas (on a voluntary basis).<sup>13</sup> All three types have their advantages and disadvantages. In the case of reserved seats, it is certainly a positive element to know that parliamentary seats are reserved for women, so that oftentimes they do not even have to contest in elections. The disadvantage accompanying this type of arrangement is that the women who enter reserved seats are sometimes regarded as candidates who have not had to compete and prove their political skills, thus being merely "quota women"

<sup>12</sup> Dahlerup in the introduction to the quota project website, <http://www.quotaproject.org/aboutQuotas.cfm> (accessed 31 May 2010).

<sup>13</sup> See <http://www.quotaproject.org/aboutQuotas.cfm#different> (accessed May 31, 2010).

without a conceptual foundation in politics. In Jordan, women enter 6 out of 110 reserved seats via elections (i.e., Jordan combines reservation and election). The seats are allotted according to votes received: The six women in the country with the highest numbers of votes are entitled to a reserved seat. Women's organizations in Jordan are demanding an increase in the numbers of reserved seats (Dahlerup 2007: 25). Legislated candidate quotas are statutory quotas, in that a number of positions or a specified percentage of positions for female candidates are reserved on the electoral list through the constitution or respective legislation. This arrangement can be quite tough if its violation is severely sanctioned. If non-compliance with the required quota is more or less tolerated (let's say because parties claim they lack enough female candidates that would run for election), the instrument may lose its teeth. In Iraq, the constitution stipulates that "the electoral law shall achieve the goal of having women constitute no less than one-quarter of the members of the National Assembly" and the electoral law translates this into the principle that "no fewer than 1 out of 3 candidates on the [party] lists must be a woman, no fewer than 2 out of the first 6 candidates on the list be a woman and so forth."<sup>14</sup> The principle secures a serious place on the party list for women and gives them the chance to run for election. This is, presumably, an advantage in comparison to, for instance, Pakistan, where the quota for women's representation is in some places over 30 percent, but the qualitative impact of women's voices and agency does not match their strength in numbers because they have not been elected to their reserved seats or have been "sent" by relatives (cf. Fleschenberg 2007).

The third type of quota is a voluntary commitment by parties to field women as candidates – be it in single member districts, in multi member districts, or on party lists. More often than not, the party list provision is weakened by the fact that a certain percentage of women is *on the list*, but occupies merely the rear quarter of unpromising positions. This renders their chances of winning a seat rather unlikely and shows that impediments for women occur on several levels of their potential careers. First, they have to develop the will to engage in party politics and (hopefully) get recruited. Then their eligibility as a candidate within the party is at stake. Having overcome this hurdle, winning a seat is still a matter of winning enough votes. Potential members of parliament, reasons Metland (2007: 62), have "to win over themselves, the party gatekeepers, and the voters." Amal Sabbagh (2007: 14), too, evaluates the situation of women in political parties as not favorable. They are challenged by patriarchal thinking and their role is relegated to carrying out supportive tasks for male partisans as members of the party's women's wing. While the type of quota and its actual implementation depend to a large degree on the institutional framework that surrounds them (electoral system, party system, presidential or parliamentary system, etc.), the political will and the prevailing gender ideology are of great importance for the

<sup>14</sup> <http://www.quotaproject.org/uid/countryview.cfm?country=107> (accessed May 31, 2010).

effectiveness of quota regulations as well (see Zamirirad and Kindelberger in this volume). The MENA region is no exception with regard to glass and other ceilings that mount before a woman's political career. Making one's way into politics or even the very act of voting autonomously and independently should not be taken for granted. Family and community influences on women's decision-making capacity weigh heavily.

*In many instances, women do not have the independence to vote for their preferred candidate, backing instead the person that the family supports. The patriarchal setting also results in the "political legacy" of a family being bequeathed to the son rather than to the daughter. Additionally, some Arab countries require that a wife follow her husband with regard to residence and sectarian affiliation. A woman who decides to stand for election has to do so in her husband's electoral district or compete for a seat allocated to his sect. Unless she already belongs to the same sect or district, therefore, she has to start from scratch, socially and politically (Sabbagh 2007: 12).*

The Freedom House report on women's rights in the Middle East and North Africa (Kelly 2010: 11) records that "[i]n all 18 countries, gender-based obstacles to women's participation in public life remain deeply rooted." This finding corresponds a great deal to the conclusions drawn by the authors of this volume. However, they also present case studies of successful efforts to improve the status of women – notably not only by women's own initiatives, but also through political support by the countries' governments. I will briefly introduce the chapters in the final section of this introduction.

## Chapters' contents

The collection start out with **Hoda Salah's** account of the, allegedly, most hotly debated discursive and "movement" phenomenon of our time: Islamic feminism. The first goal of Salah's account is to understand the ideas, values, and discourses of Islamic feminism. Since the phenomenon has become so prominent in Muslim women's (and men's) worlds, it is important to systematize and order the flood of literature that has been published – *about* Islamic feminism on the one hand and *by* Islamic feminists themselves on the other hand. Salah shows that Islamic feminism is not one unified discourse, but consists of different currents that may develop into even more branches in the years to come. The second goal of the article is to analyze the political action of Islamic feminist activists. Salah investigates the opportunities and limits of Islamic feminist activists and counts on reform-oriented Muslim women in Muslim minority countries as external drivers of change in Muslim majority societies.

The second chapter by **Azadeh Zamirirad** and **Hala Kindelberger** draws attention to the institutional and structural framework for women's political empowerment. Taking the example of Egypt, the authors analyze women's



participation based on their access to education, the labor market, and the formal political arena. The article addresses women's diverse forms of participation, which they pledge to understand in a broad sense of "taking part." This may happen through casting a ballot, running for office, or the attempt to raise awareness for certain social issues. It can also take form in demonstrations or strikes, in expressing opinions, exerting influence through lobbying, recruiting voters, or becoming members of pressure groups or other organizations. The bottom line of the authors' assessment is their conviction that there needs to be political will and strategic planning more than anything else to enhance female political participation. Islam, they claim, can be seen as an important factor in explaining gender-related developments, but it cannot be used solely to explain the current status of Arab women.

**Dana Fennert** follows up in chapter three with a much more encouraging assessment of women's political participation and reform efforts in the region. Using the case study of Morocco, the author recounts why the reform of the Moroccan Family Law (*Mudawana*) ascended to a model for other countries. Fennert argues – quite in line with analyses of colleagues elsewhere – that the Moroccan women's movement has been a significant and active contributor to the reform of the Muslim Family Law. By tracing the Moroccan feminists' argumentative strategies, Fennert claims that the movement's rhetoric shifted from a secular to a religious one. This shift matches the fact that Islamist voices and forces had gained prominence since the 1970s throughout the Muslim world, demanding a more accommodating rhetoric and commitment to Islamic values and tradition by societal and political reform actors. Rooting their demands in references to religious rather than secular principles and conventions renders the recent currents of the Moroccan women's movement a part of the "wave" of Islamic feminism, Fennert reasons.

With two chapters focusing on the Persian Gulf region, Vânia Carvalho Pinto and Hala Kindelberger examine two states that would usually fit the analytical approach of a "most similar systems design" in comparative politics. However, looking at the situation of women in Kuwait and the United Arab Emirates, it becomes clear how different the political framework actually is and, hence, how this affects a government's policymaking in the field of women's rights and participation. **Vânia Carvalho Pinto** in chapter four examines the socio-political process that led to the awarding of political rights to women in the United Arab Emirates. Carvalho Pinto investigates the ways the Emirati state promoted the idea of female political participation, as well as the UAE's successes and pitfalls in stimulating both female Emiratis to be politically active and native society to accept it. While the promotion of female participation in public life (workforce, education) has formed an important part of the UAE's nation-building effort since the 1970s, the traditional social and cultural values had their share in the framing of a "national identity." Moreover, looking into the matter of female political participation since its 1990s origins and subsequent developments, Carvalho Pinto argues that, ultimately, the awarding of political rights for women

should be understood as being profoundly embedded within larger political and national dynamics underlying the construction of the Emirati nation.

**Hala Kindelberger's** chapter five on Kuwait reveals almost the opposite finding of the preceding chapter. Although Kindelberger links, as Carvalho Pinto does, the question of gender equality to the emergence and evolution of the nation-state, her assessment is quite different. Women's rights and women's role in Kuwaiti politics have to a large extent been shaped by external pressure on Kuwait to democratize – particularly after the liberation from Iraq's invasion (1990) and the Greater Middle East Initiative of the United States (2004). This led to Kuwait catching up on the scale of women's rights. "The most significant achievement occurred in Kuwait, where women received the same political rights as men in 2005, enabling them to vote and run for office, and paving the way for the election of the first female members of parliament in 2009," writes Sanja Kelly (2010: 2) for the Freedom House report. Kindelberger accepts this view, but suggests a closer look at the social stratification in Kuwaiti society and at the competition between Islamist and other political forces that determine the actual enforcement of women's rights to a large extent. Women's rights tend to become political bargaining chips and, given the demographically diverse makeup of Kuwaiti society, it is often the women themselves who form obstacles to progress.

The chapters are linked in pointing not only to women's diversity in the Arab world, but also to areas of women's political participation, which require a critical and differentiating view if one wants to examine the topic properly. They refer to religion, Islam, and feminism in the way they deem them important as explanatory factors, and this in turn displays a high diversity in the countries of the region. By looking at the phenomenon of Islamic feminism and at national case studies in detail, we hope to stimulate further discussion of diversity and political participation in the Arab world.

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HODA SALAH

# From *Ijtihad* to Gender *Jihad*: Islamic Feminists between Regional Activism and Trans- nationalism

Islamic feminism appeared in many places in the 1990s as a part of the international Islamic reform movement in Arabic countries as well as Iran, Nigeria, South Africa, in the Asian world, Europe, and in North America. It is a feminist movement that locates itself within the frame of the Islamic paradigm and establishes women's rights on the basis of religious texts and Islamic tradition. Its members are women and men, Islamic activists, and scholars. They have been establishing their own research centers and NGOs and are well networked regionally and internationally. As intellectuals, they have a strong influence on opinion-making through their publications and their presence in the media. They advocate women's rights, political rights as well as democratic processes, which are, in their opinion, integral components of Islam. Islamic feminism has been able to partially establish itself at scholarly chairs in academia, especially at universities in the United States, South Africa, Iran, Indonesia, Malaysia, and Pakistan.<sup>1</sup>

This quite young phenomenon of Islamic feminism is, however, in no way a homogeneous stream. It consists of different currents, much the same as Christian, Buddhist, or secular feminism. This article has two goals. The first is to understand the ideas, values, and discourses of Islamic feminism. It is important to systematize and order the flood of literature that has been published about Islamic feminism on the one hand, and on the other hand by Islamic feminists themselves. The aim is to show that Islamic feminism is not one unified discourse, but rather consists of different discourses that can be categorized into different currents. The second goal of this article is to analyze the political action of Islamic

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feminist activists. The opportunities and limits of Islamic feminist activists will also be investigated.

In the first section, the central concepts like *Ijtihad*, “gender *Jihad*,” “Islamic,” and “feminism” will be explained. In the second part, I divide Islamic feminism into three discourses and/or currents: conservative, liberal, and the radical discourse. The actors will be introduced by their resources, values, argumentations as well as the means and methods used to achieve their goals. It is important to know which gender roles predominate in the worldview of Islamic feminists and which verses of the Qur’an and role model examples are to be emulated. What they speak about has to be clarified – and also what is not spoken about. In the third part, I argue that Islamic feminism is a relatively new women’s movement that has appeared since the 1990s, which must be distinguished from the older secular women’s movements in many Muslim countries. These originated at the beginning of the 20th century and are still strong today. Their agenda is national, secular, and postcolonial. In conclusion, I show which commonalities and differences are found between Islamic feminists’ discourses and secular ones. Hereby, I would like to point out that concerning the improvement of the role of women in the public sphere, there is not a significant difference in result between the two currents. The decisive tension between the secular and Islamic women’s movements lies in their definition of the women’s role in the private sphere. The second conclusion is that Islamic feminism could however be a threat for women’s rights, because it tries to legitimize women’s rights exclusively with the help of religious arguments and is opposed to the UN convention for women’s rights when a potential conflict with Islam is perceived. The frame of reference for the Islamic women’s groups is the Qur’an and the tradition (*Hadiths*) of the Prophet Muhammad. Those parts of the international women’s convention that come into conflict with Islamic authority are rejected.

## Islamic feminists and their gender Jihad for women’s rights

Islamic feminists designate their engagement for women’s rights with the Arabic word *Jihad*,<sup>2</sup> which means something like striving, struggle, endeavor, or effort. Through the use of this term or concept they pursue two goals. On the one hand, their *Jihad* is set opposite the use of the same term by Islamic militants, who use the term to bestow religious legitimacy to acts of violence. On the other hand, they refer back to the original meaning of *Jihad* and thus to the Prophet Muhammad, who is supposed to have told his companions after a defensive battle: “We have the small *Jihad* behind us, and now we begin the big *Jihad*.” When they asked him what the big *Jihad* meant, the Prophet answered: “That is the *Jihad* against oneself.” Although this *Hadith*, the tradition of the statements and deeds of the Prophet, is assessed as not authentic, weak, or false by the

2 See the works of Wadud (2006), Abugideiri (2001), Barlas (2006; 2005; 2002), Mir-Hosseini (1999), Selim (2006), van Doorn-Harder (2006), Hélie-Lucas (1992), Nomani (2005a,b).

great *Hadith* scholars,<sup>3</sup> it is well known and present in the Muslim world. This connotation of *Jihad* means the efforts of human beings to better themselves. The great *Jihad* is the constant work of a person on him/herself in order to form an enriched and meaningful life for him/herself and the community. Islamic feminists take up this viewpoint with their use of the concept: The “small *Jihad*” is interpreted as a defensive battle against the “enemy,” that is, discriminating legal, cultural, and social structures. The goal is to help women regain those rights that Islam already gave them 1,400 years ago. On the other hand, the “great *Jihad*” is directed against ourselves, that is, against our weaknesses and fears. In this way Islamic feminists obtain the strength to free themselves from the enslavement of their traditional misogynistic customs, to interpret their religion anew (that is the meaning of *Ijtihad*). In this way they stand up in the small and the large for reforms of women’s rights.

The (self-)denotation as Islamic feminists<sup>4</sup> is to be distinguished from the adjective Muslim. Muslim is merely the term for belonging to Islam as a religious community without political connotations. The concept Muslim says nothing about the attitude of the person. This is different with the term Islamic. This states that Islam serves as the primary point of reference for the thoughts and actions of persons or organizations. The academic discipline of Islamic studies in Germany prefers in general the concepts “Islamism” or “political Islam” and those adherents are termed “Islamic activists” or “Islamists” (Krämer 1999). This is based on the fact that the term “Islamist” comes near to the Arabic linguistic usage, which is *Islamiyyun*.

With the term “Islamic feminist,” those protagonists are meant whose basis for women’s rights are the Qur’an (God’s word) and *Hadiths* (the traditions and sayings of the Prophet Muhammad), and not the UN conventions on human or women’s rights. This does not mean that these feminists do not include the UN conventions in their argumentation. They examine whether the conventions are compatible with their religious beliefs, and accept them if they do not conflict with Islam. This is in contradistinction to secular feminists in Muslim society, who still

3 For this reason this *Hadith* was not included in the collections by Sahih Al-Bukhari and Sahih Muslim. The *Hadiths* have mostly been translated from Arabic by me. They derive primarily from the book by Abd Al-Halim Abu Shuqa (1990) *Tahrir al-mar’a fi’asr al-risala. Dirasa ‘an al-Mar’a gama’t li nusus al-koran wa sahihi al-Bukhari wa Muslim [The Emancipation of Women in the Age of the Prophet: A Study on Women, in which the texts of the Qur’an and Sahih Al-Bukhari and Muslim are collected]*, Kuwait: Dar Al-Qalam.

4 Since 2005 the International Congress on Islamic Feminism has taken place in Barcelona. Approximately 300 Islamic women scholars and gender activists from the whole world attend in order to reflect upon strategies to establish women’s rights in the Islamic world. See the homepage of the conference: <http://www.feminismeislamic.org/eng>. There are certainly some Islamic women’s rights activists who refuse to call themselves feminists due to the association of the term with Western feminism or secularism, such as, for example, Amina Wadud (2006) or Asma Barlas (2002). But they and others take part in this conference and as “Islamic feminists” are welcome guests at conferences, workshops, and television programs.

represent the majority of political activists.<sup>5</sup> Even if these secular feminists are practicing Muslims, their basis and terms of reference remain the international conventions on human rights and not religion. In their report to the UN, they check the extent to which their respective states have implemented the women's rights conventions, which they have signed and ratified, into their national legislation and practice. The term "feminism" draws attention to the consciousness and sensitivity for women's rights. What binds feminists in general, regardless of which political or religious direction they adhere to, is their assertive action against injustice, and against discriminating traditions and structures that act to suppress women on the basis of their gender (Ruppert 2002).

The conviction common to Islamic feminists is that Muslim women suffer from discrimination that "has nothing to do with Islam."<sup>6</sup> Most trace the suppression of women back to patriarchal interpretations of religion, and attempt to counteract it with the demand for an *Ijtihad*, the engagement for an independent, new interpretation of the holy scriptures. They strive for a return to the original teachings of Islam and for a reconstruction or deconstruction of previous versions by a new reading sensitive to gender, in reference to both the holy scriptures as well as the history of women in Islam (Barlas 2002). They concentrate their argumentation on the idea of the justice of God ('*adl*), which is one of the most central concepts of Islamic theology. Their main premise is that it cannot be God's will that any person is discriminated against. This is particularly true for women, for they are the "sisters and twin halves" of men, as the Prophet Muhammad is supposed to have said. In addition, they believe that Islam has a universal message that is valid at all times and places. In this way Islamic feminism is an intellectual and academic – but especially a religious – spiritual movement for which the union between science and belief represents an important basic constant in life (Wadud 2006).

The spectrum of protagonists of Islamic feminism encompasses women and men and ranges from the academic community to political activists. The majority of them conceive of themselves not only as primarily researchers or activists, but rather as believing Muslims who denounce the defects in the Islamic world, especially those in the area of gender relations. They attempt to influence governmental legislation and religious institutions through both their production of knowledge concerning women's rights as well as through their contribution to informed opinion-making among citizens. Thus the Afro-American professor Amina Wadud led as a female Imam for the first time the Friday prayer to a mixed gender group in New York, and in this way conquered an until then

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5 Egypt is a good example of this: As compared to a total of three Islamic women's NGOs, there are about 550 women's NGOs that are multi-religious and multicultural. In Egypt there are about 16,000 NGOs. See the Egyptian government homepage: Egypt State Information Service of Oct. 14, 2008: Non-governmental organizations concerned with women: <http://www.sis.gov.eg/En/Story.aspx?sid=2266>.

6 This argument is used conspicuously often by representatives of the conservative and liberal discourse. See section number 2.



purely men's domain. Her action aroused great attention in the media and initiated debates worldwide. Through such spectacular theses and actions and the international debates that they provoked, Islamic feminists have attracted much attention to themselves and their movement. The flourishing of the media and the increasing connectivity of the world through new technology such as satellite TV and the Internet contribute to the rapid dissemination of their ideas. Islamic feminists are welcome guests at international conferences and talk shows in both Muslim countries as well as in the Western world. They have often established a solid presence in the media and are active in various national and international networks, NGOs, and roundtable discussions.

Most Islamic feminists in the Muslim as well as the Western world have not had a specifically religious education at the university level; rather, many are graduates of the humanities and social science disciplines, teach linguistics or political science as well as philosophy and gender studies and have spent periods of their educational careers in the West and have obtained higher degrees at European or American universities. It should be noted that in many cases, interest in gender issues in Islam developed during – or even more often, after – their doctorate. The security of having a position at a university enables the Islamic feminists to develop themselves in their research and in this way contribute to the establishment of new interdisciplinary research methods in gender studies and especially to contribute to women's rights in Islam. With the help of modern scientific methods ranging from, for example, historical sciences, hermeneutics, linguistics, and gender studies, they attempt to elaborate a new interpretation of the main sources of Islam.

They pursue the goal of establishing gender relations through a new approach to the old interpretations, concepts, and laws and in this way create new perspectives and especially advantages for women. Thus, it often comes into conflicts with conservative circles, for example, with the scholars at the Al-Azhar University. Al-Azhar is one of the oldest and most important Islamic institutions and an important university of Sunni Islam. Its main location is Cairo. Al-Azhar has many branches throughout the world. An example of the strength of assertion of women, but also of the obstacles which they meet, is the path of Dean Prof. Suad Saleh in Egypt. Her wish to become a *Mufti*, that is, one of the highest positions in Islam concerned with the jurisprudence of Islamic law, was thwarted for years with the objection that, according to the Prophet, a woman should not have too much power over men. In the end Prof. Saleh achieved a partial success in 2004. Thus, Saleh became the first female *Mufti*, however, she is only allowed to deal exclusively with "women's concerns."

## Discourse of the Islamic feminists as interaction between knowledge, action, and power

The conservative discourse: Islam gives women their dignity and pride back and respects their biological nature

The representatives of this discourse constitute the majority of Islamic feminists.<sup>7</sup> They consist of those from the religious universities, such as, for example, Al-Azhar, but for a larger part from secular universities worldwide. Also one can include many multipliers and activists belonging to the Muslim Brotherhood and other Islamic movements in this spectrum. I term this discourse conservative, due to its adherence to the literal meaning of the Qur'an and to the Sunnah of the Prophet, which are considered an immutable holy order to be obeyed. Women should not imitate men, nor compete with men's roles or responsibilities. Conversely, the same applies for men. The responsibilities and roles of the sexes complete each other and are complementary. God knows what is good for humans, or, in the words of the Prophet: "The man is responsible for his herd, and the woman is responsible for her herd" (Al-Gazali 1990: 10; Al-Banna 1997: 95ff).

The family plays a central role in the conservative discourse. The family structures as they are described in the Qur'an are not called into question. In them the man is responsible to see for the welfare of his family and to provide for them. The primary responsibility of the woman is to adequately fulfill her role as wife and as protective mother. As long as she fulfills this task she can in addition engage herself in the public sphere in an honorary capacity for the public good, or earn some money through an appropriate job. According to Islamic law, the woman is not obligated to care for the family with her income, but rather can use it freely herself. On the other hand, the representatives of this discourse view it as justified that women receive less than men under inheritance law. In their view, this is no discrimination against women, but rather corresponds to the nature of woman, to her role and responsibilities as they are established in the holy order. The tutelage, that is, leadership of the man (*Qiwama*) over his family, respectively, his wife is also considered of holy origin. *Qiwama* is not defined in this case as obedience of the wife to her husband, but rather is interpreted as the responsibility and burden of the husband for his wife and the family (Al-Serf 1998: 77ff; Saleh 2001).

The question remains: Why do I call this discourse feministic? As previously mentioned, the representatives of this discourse make up the majority of the Islamic feminists worldwide. They do not carry out an oppositional discourse and are not confrontational toward the government, religious institutions, or the common beliefs of the people. Quite the opposite, their collaboration with

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7 According to my estimate, the conservatives make up about 75 to 80 percent, the liberals 20 percent, and the radicals at the most about 5 percent of the Islamic feminists.

the religious establishment consists in their not objecting to the conventional conception of women's rights. However, they nevertheless direct their attention more toward the rights of women than toward their obligations and emphasize especially the important role of women in early Islam.

Through the study of the classic texts, feminists re-stimulate the old discourse concerning the misogynistic interpretations of early Islam. In particular they refer to the exemplary role of the Prophet Muhammad, who is said to have helped in the household and with the upbringing of the children. Instead of referring to the principle of subordination of the wife to her husband, Islamic feminists emphasize marriage as mentioned in the Qur'an as a bond of tenderness and affection. They show that in the early period of Islam, women were not forced to marry against their wills. The consent of the woman was required. Men must treat their wives well and respect their good qualities (Al-Gazali 1990; Saleh 2001; Minai 1991). The majority of feminist conservatives argue that gender equality must be founded on justice ('*adl*). In this case justice means upholding the god-given roles for both sexes. The differences of rights and duties between the sexes is legitimized by conservative feminists, on the one hand by the argument of taking biological differences into consideration, and on the other by the stabilizing effects on Islamic society through making allowances for differing gender roles. Feminists from the conservative faction stand up energetically for the equal value of women, that is, more for the complementariness of the sexes than for equal rights.

This discourse is also to be called feministic in the sense that it is especially the Islamic feminists of the conservative group who speak up for a kind of sex education in their countries. They address many taboo themes in literature and the media and contrast them with the common practice in the Qur'an and the tradition of the Prophet. Instead of mentioning the right of a man to apply corporal punishment, they cite that for the Prophet love, sexuality, and affection between married couples plays an indispensable role. Instead of mentioning the right of the husband for sexual intercourse with his wife, the Islamic feminists refer to sources according to which the Prophet took account of the emotional needs of his wives and abhorred violence.

Often the argumentation of Islamic feminists of this tendency proceeds in the same way as the scholars of the official mainstream in that the historical comparison of the situation of women before and after Islam is made. Historically seen, Islam is accompanied with an enormous improvement in the conditions concerning women. The goal of this argumentation is to show that women in Islam enjoy so many more rights than in any other religion or society since the beginning of mankind (Al-Serf 1998: 5ff; Raouf 2000a). Especially often, the West is used by way of comparison. Through historical evidence, it is attempted to show that from antiquity up to modern times, women in Western societies have been treated as children who have not yet reached adulthood, as sexual objects, and as the property of the husband. For proof, the Old Testament is used, in which women are seen as seductresses and bearers of the original sin. Another

example is that women in the West often have to give up their name when they marry, or that in Switzerland, for example, their right to own property was denied until the end of the 1960s, or that to manage a company the signature of their husband was required (Al-Hibri 1982; Derichs 1998). In this way it is attempted to show that Islam as it was revealed 14 centuries earlier is ahead of and superior to other religions and cultures in the area of women's rights. Thus, according to this group, women in Islam have the right to work, the right to education, and to freely carry out a business. In addition, women have the right to open and carry out legal measures, the right to acquire property and to sell it, as well as the right to free choice of their marriage partner.

In a second step of this argumentation, it is emphasized that Islam is the fulfillment of God's revelation. It is understood as a reform and consummation of Judaism and Christianity. Islam rejects the idea of original sin and emphasizes that every child is born pure. Eve is also not alone responsible for the expulsion from paradise through guilt or sin. According to the Qur'an, God forbade both Adam and Eve equally to eat of the tree:

*But Satan whispered to Adam, saying "Adam, shall I show you the tree of immortality and power that never decays?" and they both ate from it. They became conscious of their nakedness and began to cover themselves with leaves from the garden. Adam disobeyed his Lord and was led astray – later his Lord brought him close, accepted his repentance, and guided him (Qur'an 20: 120–2).*

In this connection, it is a matter of concern of the Islamic feminists to fight against "people's Islam," which is more influenced by tradition than by the holy scriptures of Islam, and which has taken, for example, the idea of original sin from the Old Testament, or that Eve was created from Adam's rib, even though these ideas are not mentioned in the Qur'an. By reading the text, one can see that it was Adam who made the false step and not Eve. Also, it can be viewed that it was no false step, but rather God's will, to populate the earth with people. Through the return to and new analysis of the holy texts, the Islamic feminists of this tendency try to show what power of emancipation for women is inherent in Islam. Women are as equally addressed as men in the Qur'an and have, with only a few exceptions, the same rights and duties before God as men do, with different roles and tasks on earth, especially within the family. The principle of complementarity is valid here, and not the equality of sexes. In the Qur'an women are spoken to as believers and also depicted as friends and partners of men. Similarly, they are seen as the twin halves of men, in contradiction to the Old Testament tradition of having been created from man's rib. Western women are fighting for exactly the same rights between men and women; rights which Muslim women already had 1,400 years before. The following Qur'an verse (*Sura*) and *Hadiths* are used by representatives of the conservative discourse, but also by most of the other Islamic feminists, to emphasize the message of equality in Islam:

- a) “Men and women who have surrendered, believing men and believing women, obedient men and obedient women, truthful men and truthful women, enduring men and enduring women humble men and humble women, men and women who give in charity, men who fast and women who fast, men and women who guard their private parts, men and women who remember God oft- for them God has prepared forgiveness and a mighty wage” (Qur’an 33/35).
- b) “And the believers, the men and the women, are friends one of the other” (Qur’an 9/71).
- c) “O believers, consume not your goods between you in vanity, except there be trading, by your agreeing together” (Qur’an 4/33).
- d) Prophet Muhammad: “Women are the twin half of men” (Ahmed; Abu Dawud; Turmazi in Abu Shuqa 1990).
- e) Prophet Muhammad: “Learning is a duty which every Muslim, man and woman, must fulfil” (Bukhari in Abu Shuqa 1990: 351).
- f) Prophet Muhammad: “Whoever treats girls well will have a curtain in front of hellfire” (Bukhari in Abu Shuqa 1990: 351).
- g) “Whoever has a daughter and does not prefer his male children over her God will deliver him into Paradise” (Bukhari in Abu Shuqa: 351).

The liberal discourse: Interpretation as a problem: Islam is a feminist religion that, due to patriarchal structures, has been falsely interpreted

The numerically smaller trend of the liberal Islamic feminists links itself to the argumentation of the conservatives and extends it. This group explicitly uses the term feminism and claims that Islam is a revolutionary and feminist religion in which gender equality is deeply anchored. Women are addressed in the Qur’an to the same extent as men. They have the same rights and duties. Their leading idea is “the principle of God’s justice” (*‘adl*). Everything not conforming to this principle is rejected (Abou Al-Fadl and Mustafa 1999; Abou-Bakr 2001, 1999).

In this way the liberals have more freedom than the Islamic feminists of the conservative current, for they do not feel bound to the old, classic interpretations nor to the Islamic institution Al-Azhar. The main source of their argumentation remains the Qur’an, but it is selectively read with the focus on the ethical message of Islam. Traditions of the Prophet Muhammad as well as the interpretations of the various schools of jurisprudence (*fiqh*) are called into question, provided that they contradict God’s justice. Representatives of the conservative discourse, on the other hand, often see themselves also obligated to follow the traditions of the four Islamic schools that were founded in the eighth and ninth centuries. Liberal Islamic feminists consider themselves obligated to follow in greater measure their ideals than tradition (Nomani 2005b). They are highly educated, and are knowledgeable of the international feminist literature and their gender concepts. According to their theory, the gender roles are a social construction rather than naturally given. In addition, they hold the view that in

its core, Islam is feministic, but due to patriarchal structures and the inevitable male-oriented interpretation, women's rights were not respected (Bozkurt 2008; Sonbol El-Azhary 2001: 120ff).

From this standpoint, they strive for a new definition of gender roles. These are not of holy order as with the conservatives, but rather a social construction that is perfectly capable of being changed. Thus, for example, the leadership of men (*qiwama*) can be transferred to the woman. They also argue that the *qiwama* of the men in the Qur'an is restricted to their families and the private sphere. In the public sphere, no leadership of men exists. The liberals extend the argumentation of the conservatives here in that they treat men and women as emotional and physical equals. They are of the opinion that in modern times physical strength no longer has the same importance as it did in the Middle Ages, when women had neither education nor security (Raouf 2000b; Barlas 2005; Abugideiri 2001). For example, Islamic feminists have arrived in their research concerning new interpretations of the Qur'an at the result that it is not in the spirit of Islam to deny women access to the judicial office.<sup>8</sup> According to them, women are even permitted to hold the office of Head of State. In this, they base themselves on the Qur'an, in which Queen Balkis is depicted as an example of a good ruler (Raouf 1992, 2000a; Abou Bakr 2001).

In summary, it can be stressed that the liberal discourse emphasizes the partnership-like and equal relationship between men and women in Islam in the private sphere as well as, for example, in inheritance law and laws concerning bearing witness in court. A discourse concerning equality is dominant here and does not rely on physical or mental differences as does the conservative discourse. God's justice (*'adl*) means here not only equality before God (as with the conservatives) but rather also on earth. For this group, the idea of God's justice is the measure of all things and the basic premise for the interpretation of normative texts as well as for the behavior of people. In their texts, they substantiate their argument that equality is the core of Islam with mostly the same quotes from the Qur'an and the Sunnah that the conservatives use (Barlas Asma 2005, 2008; Selim 2006). In contradistinction to the conservatives – who view the holy laws and gender relations as they are revealed in the Qur'an and the Sunnah as handed down in the *Hadiths* as inviolable – the focus of the liberals does not lie on the wording of the text but rather on the purpose and aim (*maqasid*) of the *Sharia* (Sisters in Islam).

**Radical discourse: The text as problem; Islam is in its core a patriarchal religion, but it is not misogynistic**

I will term this discourse as “radical” or “revolutionary,” whose representatives hold a counter discourse, which challenges the official homogenous discourse about Islam and women's rights. The representatives of this discourse are found

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<sup>8</sup> See the study by Harder (1995) on the political participation of Egyptian women.

not only in Arabic countries, but also internationally, and make up a very small minority and can be individually counted. But their effect is large. One example is the South African theology professor Farid Esack. Among other things, he argues that in Islam homosexuality is not forbidden. At the same time he is active in NGOs for sexual education and the fight against AIDS. The Egyptian theology professor Ahmed Subhi broke another taboo when he questioned the idea concerning Judgement Day widely held by Muslims, which holds that hell is overfilled with women. In this way he opposes the widespread belief of many Muslims as well as theologians of official Islam – among them several from the Al-Azhar University – who instrumentalize this idea for the suppression of women or to compel them to wear a veil in order to frighten them into believing they will be fuel for hellfire should they use makeup or leave their hair uncovered. Professor Ahmed Subhi was dismissed from the Al-Azhar University because of his research and today lives in exile in America. Another example is the Egyptian professor of literature, Hamid Abu Zaid (1996, 2008). Islamists have attempted in court to have him divorced from his wife due to his writings about the Qur'an as a literary text. The indictment was based on, among other things, a falling off from religion, which was seen internationally as a scandal for the Egyptian judicial system. Today he lives with his wife in Utrecht, Netherlands, where he teaches Islamic Studies. Islamic feminists have drawn much attention to themselves through such spectacular theses, which shake the foundations of Islamic society and attract reactions and international debates.

The radicalism of this discourse lies in the fact that it does not have the defense of Islam as its goal. On the one hand, it supports the two previous discourses and emphasizes their positive aspects. In contradistinction to the discourses that purports Islam suffers from a patriarchal interpretation, the representatives of this discourse argue that the Qur'an is indeed a patriarchal text that reflects the state of society of the seventh century. The partly misogynistic aspects of Islam are, according to them, not only the result of a false interpretation by male scholars, but in addition can be traced plainly and simply to certain passages of the Qur'an and the *Hadiths* (Abu Zaid 1996). The leading ideas of this current are not only that of God's justice, but also the United Nations Charta on Human Rights as well as the idea of "global citizenship"<sup>9</sup> and the belief in the equality of the sexes in the public and private spheres. The representatives of this current orient themselves on universal values and view Islam as an ethical authority, but not as normative law (Esack 1999).

It is especially within this discourse that modern approaches to and methods of critical theology, hermeneutics as well as science of literature, linguistics, and particularly gender studies are of great importance. Thus, the representatives of this discourse exchange ideas internationally and are active in inter-religious dialogues. Their methodological approach to the text is freer than in the other two groups. Radical feminists study also the history and language of the Qur'an

9 See the leading idea of the International Congress on Islamic Feminism.

and the development of the Islamic legal system, but do not feel themselves to be slaves of the holy text. They criticize the previous discourses for their fixation on the text and their defensive posture. They accuse them of being one-sided and selective in their argumentation and choice of Islamic sources. Both the conservative as well as the liberal discourses instrumentalize religion for the benefit of women. They ignore certain passages of the holy scriptures in their interpretations and search intentionally only for texts that support their argument for women's rights.

Furthermore, both discourses use many of the same quotes from the Qur'an or the *Hadiths* for their argumentation. At the same time, other passages in the texts concerning the right of a man to apply corporal punishment to his wife<sup>10</sup> or the penalization for adultery of the wife as well as the ideas concerning hell are ignored or interpreted mildly. An example is the appeal by Nasr Hamid Abu Zaid to a woman speaker who argued that beating was to be understood as merely symbolic beating and no actual physical violence was meant. Abu Zaid replied: "In the Qur'an beating is spoken of, and that means beating and nothing else. You have to come to terms about how to deal with that."<sup>11</sup> But often the radicals such as Amina Wadud, Abu Zaid, or Esack, reject such passages of the Qur'an and write that they are clueless of how to interpret them (Wadud 2006; Esack 1997). Radicals claim that to the extent that conservatives and liberals bend the text into shape to the advantage of women, they are instrumentalizing religion. Criticism is directed especially toward the liberal discourse, which stands closer to the radical one than the conservative. Although the liberal representatives have good ideas for the reform of women's rights in Islam, the liberals' discourse argues the same as the conservatives, from a posture of defense of Islam, and avoids raising serious scientific and theological questions.

I would label the radicals "secular Islamic activists." On the one hand, their argumentation is based on Islam, but they come to the conclusion that Islam is a religion that has a secular state and also a secular constitution and system of law, in which not only is the equality of citizens affirmed, but more importantly, the freedom of the individual is respected. In the radical discourse, the woman is viewed, more often than not, as a mother or a part of the community. Here it has to do with the individual right to self-determination of human beings, respectively, women and their right to live their lives as they feel. In this discourse, the needs of women – also unmarried women – for love, passion, and sexual self-determination are spoken of. But they are nevertheless Islamic activists in the sense that they arrive at their convictions through their study of the holy scrip-

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10 "Men are the managers of the affairs of women for that God has preferred in bounty one of them over another, and for that they have expended of their property. Righteous women are therefore obedient, guarding the secret for God's guarding. And those you fear may be rebellious admonish; banish them to their couches, and beat them. If they then obey you, look not for any way against them; God is All-high, All-great" (Qur'an 4, 35).

11 Conference organized by Wissenschaftskolleg Berlin 2007 about Islamic feminism. On this see also the interview with Gudrun Krämer 2008 in the *Berliner Zeitung*.



tures and that they present them as Islamic ethic. With religious argumentation, they establish that, in its essence, Islam is a secular religion and that sexual self-determination and homosexuality is a human right.

### Power, effectiveness, limitations, and chances of Islamic feminism

In my opinion, the feministic trends – whether secular or religious, whether in the West or in the East – do not conflict with one another when negotiating over the political or social rights of women, respectively, Muslim women. The differences and conflicts occur when the individual human rights of Muslim women in the private sphere – for example, inheritance law or family law – are concerned.

The conservative discourse assumes a dominate position within Islamic feminism. Its representatives feel themselves attached to their religious institutions, traditions, and culture. They are part of the leading, official discourse and can bring reforms into effect in that they gently and selectively revive older women-friendly interpretations. They make many compromises and stand up for women's rights in the working world and in married life. At the same time they reject individualism as well as sexual self-determination of women and also homosexuality. They also write reports (*Shadow Reports*) to UN conferences on women, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and reject several articles, especially those that call the traditional family into question. They plead for reforms in family laws and encourage husbands to be good fathers. But their focus lies in the abstract and normative sense on the idealization of the family and the role of the woman as mother and part of a larger group, beyond place and time (Stowasser 1993: 14ff).

With the example of CEDAW it can be seen that conservative Islamic feminists can negotiate women's rights at the national, but also international, level (Salah 2009). Egypt is presented as an example, due to its religious, political, and cultural position as a pioneer in Islamic and Arabic culture. This applies in respect to re-Islamization as well as in regard to the emancipation of women. The Islamic movement of the Muslim Brotherhood was founded in the 1920s at the same time the women's movement was. The early women's movement must be regarded, even by today's standards, as progressive, because it demanded and still demands not only the participation of women in the public sphere through education and activity in politics, but also fights for the rights of women in the private sphere. It demands the abolition of portions of the Islam family law, which disadvantage women, such as the right to polygamy and the law of obedience to the husband. The activists were in fact confessing Muslims and Christians, but their agenda was shaped by the idea of a national, secular, and postcolonial state. In contrast to the Muslim Brotherhood, which advocates the subjugation of the individual to God's law and collective rule, the women's movement demands respect of the individual and stands up for new possibilities of development for women. Both groups have spread out from Egypt into the Islamic world

and form the breeding ground for those further developing movements that have been interacting ever since with one another (Mernissi 1992: 223f).

First of all, it is important at this point to emphasize that Egypt, like most other Muslim countries, is a semi-secular state. Although the *Sharia*, the body of Islamic law, is declared in the constitution of many states of the Middle East as the main basis for legislation, such *Sharia* law rulings find expression for the most part in family law. Basic rights, political rights, civil rights, criminal law, and civil law, on the other hand, are often of secular origin and derive primarily from French or Swiss law. Secular feminist protagonists still form the majority of political activists in several Arabic societies, such as Algeria, Lebanon, Syria, Tunisia, Morocco, Iraq, in addition to Egypt (Abd-Al-wahab 1995: 150; Badran 1996). This has to do with the fact that these countries were oriented toward socialism in the 1950s and 60s. In most Muslim societies the women's movements, whose origins go back to the first half of the 20th century, were carried by secularly oriented women. Islamism itself, even its ideology, has only been gaining impetus since the 1970s (Duval 1998; Derichs 2008; Krämer 1992).

Secondly, I would like to point out that Egypt, as most other Muslim states, has accepted and ratified the UN convention on women's rights. It has, however, as have many other Arabic and Muslim countries, submitted reservations against the convention. Most of these pertain to the articles 2, 9, and 16, in which the states are demanded to eliminate all forms of discrimination of women. Article 16 emphasizes the sexual self-determination of women. Most Islamic governments object that this article is neither compatible with the *Sharia* and the tradition nor with state security in the case of marriage to a foreign husband. In the area of family law and the right to bear witness in court, there can be no equality according to Islamic law (Mayer 2003: 105ff).

Also in Egypt, as in many other Muslim countries, there is a long tradition of women's influence on public life. Today, laws exist that guarantee women the double arrangement of working life and being a mother. Women are represented not only in the public sphere, but also in high positions, and men have become accustomed to it (Braun and Mathes 2007). In Algeria, Morocco, Egypt, Syria, Lebanon, Indonesia, Iran, and Iraq, more than 30 percent of the professors, doctors, and teachers are women. In Kuwait and Saudi Arabia, 60 percent of the students are women. In Egypt 50 percent of the broadcasting and program heads – and in Iraq 30 percent of the engineers – are women (UNDP 2005; UNDP 2007: 24ff). It can be seen that the problem of many Muslim women is the emotional conflict arising from their role in public and that of their private sphere, that is, their being torn between being a citizen who has equal rights to men on the one hand, and on the other hand their role in private life, where as practicing Muslims they are subordinated to their husbands (Mernissi 1992; Sabbagh 1986; The Shadow Report of the Egyptian Non Governmental Organizations Coalition on the CEDAW 2000: 6ff).

This ambivalence can be seen also on the political level in the negotiations concerning the UN convention CEDAW. Egypt took part in the conference

Beijing + 5 with three expert reports. The first was by the government, the second by Islamic women's groups, and the third by 105 different NGOs, which could be characterized as secular. I classify them as secular, for their goals and terminology refer themselves to international human and women's rights and not religion, although they are practicing Christians or Muslims. When comparing the Islamic report with the governmental report and the *Shadow Report* of the Egyptian NGOs, a great deal of common ground among these three can be found. They emphasize that there are still deficits in women's equality and that it will require a major effort to reach the optimal. In all three reports the respect of Islam and its culture is stressed. However, none of the three groups mention the right to reproduction of women outside or before marriage, nor the right to sexual freedom, especially homosexuality. Thus, even the secular groups are not prepared to become active against discrimination of homosexuals.

While the governmental report stresses that Egypt has made great progress in the area of women's rights and that the state will continue to work toward the reform of laws to the benefit of women or that the image of women in the media and in school books has been corrected, the *Shadow Report* of the secular NGOs shows through studies and statistics that the government has only insufficiently fulfilled the agreements of the Beijing + 5 conference. They criticized the state very harshly in claiming that it is not doing enough to assert the rights of women and not enough to achieve equality between men and women.

The study of the Islamic women's group requires a closer inspection. The International Islamic Committee for Woman and Child (IICWC) was founded in 1992 under the auspices of Al-Azhar as preparation for the UN women's conference 1995 in Beijing. It views itself as an international network of the Islamic women's movement worldwide. As mentioned above, the IICWC wrote a critical statement on the women's rights convention CEDAW and published it as a *Shadow Report*. In their statement there is no reference to either the governmental reports of other Islamic states, nor to *Shadow Reports* of other women's organizations, nor to the status of women in Islamic societies. Instead the committee discusses epistemologically and abstractly whether the CEDAW conforms to Islam or not.

The paper shows that the authors are mistrustful of the Beijing conference and that the fulfilling or pushing through of the Beijing demands does not stand in the middle point of their interest. At the beginning of their report, the IICWC stresses the positive points of the CEDAW, for example, that it puts emphasis on the rights of women and equality in the area of the workplace and participation in political life and at the same time denounces the trafficking of women, slavery, and prostitution. However, after four pages of praise of the positive aspects of the CEDAW, the committee criticizes in the remaining 30 pages the "negative points of the CEDAW" (International Islamic Committee for Woman and Child 2002: 14ff). The signatory claims that the members of the UN committee of CEDAW, as well as the philosophy of this convention, are dominated by Western protagonists who want to impose their values on the Islamic culture. In addition, they

criticize the convention in that a woman is considered as an individual and not as a mother and part of a larger bond. In the end, they demand justice instead of equality between the sexes:

*Equality in Islam is achieved among those who enjoy the same human capacities and characteristics. People are treated on an equal basis when they are assigned equal duties, and those who are assigned different duties are treated differently; this constitutes the concept of justice (International Islamic Committee for Woman and Child 2002: 26).*

In summary it can be established that Islamic feminism gives positive impetus to the demand for women's rights, especially women's rights in the public sphere. It leads to reforms in governmental institutions, which, for example, now accept that Egyptian women can become *Muftis* and judges, even though these were surely not solely their credit, but rather that of secular activists and the government. Also, Islamic feminism is a challenge for the Islamic movement itself, because it takes up a position on women's themes and gender relations. An example should illustrate this: In the dominant Islamic discourse in Egyptian society, it is the Islamic feminists who can legitimate the emancipation of women especially well. Thus, even the Muslim Brotherhood saw itself forced to address women's issues in its program. For this reason it put up three female candidates for the parliamentary elections. On the other hand Islamic feminism, especially the conservative and liberal currents, holds a potential threat to the position of women, because they bring up religious arguments against the UN women's rights convention CEDAW when it conflicts with Islam.

It should be emphasized that Islamic feminism is a relatively new women's movement, which despite its relatively small size, has overridden the older secular women's movement due to the present domination of political Islam. Insofar that these new feminists ignore the secular tradition of their homelands, is it possible for them to win new rights for women primarily on the foundation of the holy texts. They no longer argue on a secular basis that their countries have already long ago signed the international contracts and have thus committed themselves to reforming their laws, especially those concerning family law, but rather concentrate themselves on the normative texts of Islam. Certainly there exist feminists who adopt the Islamic discourse and call themselves Islamic feminists as a strategy to protect women's right within the dominant political Islam and its discourse. However, this strategy holds the danger of an Islamization of the debates and the unwanted strengthening of fundamentalism.

In my opinion, it is the reformers from the groups of the radical discourse, who live either in exile or in societies where Muslims are in the minority, who I am convinced can carry out a critical, social, and academic discourse on Islam and women's rights because they live already within democratic structures, for example in South Africa, the United States, and Europe. Egypt, as well as many other Muslim societies, is too biased through its old Islamic institutions and the

predominance of conservative scholars. Nevertheless, it is encouraging to see that reforms are returning to the homelands of these protagonists, because the Islamic reformers abroad are increasingly influencing the discourse in Arabic countries. It is worth mentioning Imam Amina Wadud's sermon, which caused intense debates worldwide, also within Arabic countries. The result was that now many scholars can approve of a woman holding prayer for men. Also, the Al-Azhar and Cairo University have offered back the old positions of the two abovementioned exiled professors, Nasr Hamid Abu Zaid and Ahmed Subhi from the radical feminist group. The flourishing of the media world and the globalization of human and women's rights are helping to disseminate reform concepts.

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#### *Remarks concerning quoted religious sources*

The Qur'an is considered to have been written by God. The translations from the Qur'an are the internationally accepted versions by either Auberry or Haleem. The *Hadiths* have mostly been translated from Arabic by me. They derive primarily from the book by Abd Al-Halim Abu Shuqa (1990) *Tahrir al-mar'a fi 'asr al-risala. Dirasa 'an al-Mar'a gama't li nusūs al-koran wa sahihi al-Bukhari wa Muslim* [The Emancipation of Women in the Age of the Prophet: A Study on Women, in which the texts of the Qur'an and Sahih Al-Bukhari and Muslim are collected], Kuwait: Dar Al-Qalam.



# Equality by Decree? Political Participation of Women in Egypt

Strong female figures have been an essential part of Egypt's history. In ancient Egypt, women not only had the right to own property and assets but were able to occupy high offices. They owned a legal status, thus being able to act on their own when in court. They could even inherit property. Compared to other cultures like that of the Romans or Greeks in that time, they enjoyed substantial rights. Many women were priestesses, scribes, or doctors. Most significantly, however, women could occupy the highest rank in the political orders by becoming Pharaohs of the empire. Among the most famous female Pharaohs were Hatshepsut of the New Kingdom, whose regency is generally regarded as highly successful, and the more widely known Cleopatra, the last Egyptian Pharaoh. Female political leaders have become extinct in Egypt's modern history. Instead, the neo-patriarchal society struggles with the duality of partly secular state policies and Islamist demands. While Islam can be seen as an important factor in explaining gender-related developments, it cannot be used solely to explain the current status of Arab women. As Moghaddam (1998: 5) has pointed out, Islam varies from country to country with different legal repercussions and cannot be considered more or less patriarchal than any other major religion.

While low female political participation is a global issue, the gender gap in Arab countries is comparatively high. Instead of putting the emphasis on religious factors as an explanatory variable, we will analyze women's participation based on their access to education, the labor market, and the political realm. A main focus will be laid on women's diverse forms of participation, to be understood as a voluntary act of an individual or group aimed at influencing political decisions (Barnes et al. 1979: 42). In a broad sense, participation means taking part. This may happen through casting a ballot, running for office or the attempt to raise awareness for certain social issues. It can also take form in demonstrations or strikes, in expressing opinions, exerting influence through lobbying, recruiting voters, or becoming members of pressure groups or other organizations.

Although participation can take several forms, only few women make use of the different options. The low level of political participation of women in Arab countries may be due to their financial means. Verba and Nie (1972) relate political participation closely to the socioeconomic status (SES) of an individual, their education, income, or occupation. People's resources mainly define their ability

to participate in the political sphere. Higher participation rates thus require the mobilization of less resourced parts of the population. Brady, Verba, Scholzman (1994) later added further variables such as political interest and knowledge. They give the following reasons for low participation rates: 1) People cannot participate as they lack the time, the skills or the money; 2) They are not interested in political matters; 3) They do not get asked as they are not linked to any mobilizing actors. The three dimensions reflect our three main points of analysis, which are based on the level of access to education, labor, and political posts. They will be discussed within the context of economic transformation in the Egyptian rentier state and the effects of political influence exercised by external actors.

Lastly, we will deal with the recent debate on new electoral laws and their impact on the women's question. In accordance with a new bill, passed by the two houses of parliament in June 2009, a women's quota will be introduced for the upcoming People's Assembly elections in 2010. Top-down processes like these have become a popular political move in the Arab world in recent years. Yet, it is uncertain whether such policies will instigate further representation of women, not only in politics but also in the social or economic realm. There seems to be a lack of political will and strategic planning for the enhancement of political participation of women in general. Our analysis of political participation of women in today's Egypt takes state-society relations, legislation, party politics, the activities of different women's movements as well as the role of external actors into account. Against this background, we argue that while top-down policies can be an important tool for empowering women in Egypt, they are nonetheless doomed to fail as long as party politics remain disconnected from socio-cultural realities and traditional notions of gender roles prevail.

## **Social transformation of the rentier state**

State and society in the Middle East are currently undergoing a phase of massive societal transformations. Most of these societies have a fairly young population and are under increasing economic and cultural pressure with an inevitable impact on gender roles. However, there are no signs of real liberalization or democratization. As Harders (2008: 1) claims, social transformation is happening without political transition. Often conflicting political developments of the 20th century have left their mark on Egyptian society. Today, we find nationalist, socialist, and Islamist elements in the political system. Azzazi (2004: 27) has described Egypt as a type of Islamic government, in which the state is in constant fluctuation between secular and religious conditions without regarding the two as contradictory. However, the omni-balancing power of the state mainly derives from its rent-seeking ability, making it highly vulnerable to economic crises.

Egypt's income derives largely from foreign funds by Western donors. While its semi-rentier character has remained for decades, the source of state rents shifted through the economic crisis of the 1980s, when the Gulf States were no longer capable of transferring enough money to Cairo. Thus, at the end of the

1980s, Egypt's rent-seeking ability decreased. The insufficient rent incomes led to a marginalization and impoverishment of a broad population stratum with a rapid growth of the informal sector and increasing unemployment. The substantial growth of Islamist groups is also to be seen against this background. Rentier states correlate with a strong welfare system and subsidies, not depending on heavy taxation. As the rent-seeking ability of the state declined, the Egyptian state had to cut back on financial support and left many social fields vacant. This gave NGOs such as Islamist groups the opportunity to fill the gap, providing alternative welfare structures, thus enabling them to gain further public support. Keeping the rule intact became a challenge as political legitimation sank. In this context, the state was forced to seek rents from Western donors and to comply with international financial organizations' demands, which were enforced thoroughly. It was not an economic crisis alone that led to reform processes but the concurrence of a financial crisis with a severe crisis of political rule that led to a transformation of the economic system (Albrecht et al. 2006: 151–3).

Ever since the Nasserist one-party system was abolished by Anwar Sadat in the 1970s, the Egyptian political system has undergone phases of controlled political openings and authoritarian contractions (Harders 2008: 2). After 9/11, Egypt was under heavy pressure to democratize, which decreased after Hamas won the elections in the Palestinian territories and the Muslim Brothers gained success. As a result, according to Harders (*ibid.*), the Egyptian regime followed a combination of five adjustment strategies: repression, cooptation, informalization, Islamization, and restricted liberalization. The transformational process of the economy and the prolonged authoritarian rule of the Egyptian regime have erected strong barriers to women's participatory options. Against this background, Egyptian women have struggled hard over decades to overcome obstacles posed by the Egyptian state and society.

### **Replacing the harem with the street – Origins of Egypt's women's movements**

Most of the legal achievements of women today are the product of struggles that started at the end of the 19th century, when the “gender question” became a social issue through publications and seminars. With regard to the women's question, 19th-century Egypt can be characterized by confinement, economic dependency, and polygamy. Domestic seclusion affected mainly upper and middle classes as they had the means to keep women in the house, whereas lower classes depended on women as a labor force (Badran 1995: 4). Seclusion was justified with a demand for “purity” and “honor” of the family. These values prevailed in all classes. In order to ensure sexual purity, lower-class men had to count on community surveillance and a strict moral code with severe penalties in case of violation (*ibid.*: 5). As Badran (*ibid.*: 6) put it: “Confinement, invisibility, restricted movements, controlled ‘choices’: these were the tropes of urban

harem culture that were threatened with erasure as modernity was scripted onto Egyptian cultural canvas.”

Becoming aware of their social limitations, women started to speak out against the restrictions in their personal lives. The first woman to publish a book was Aisha Al-Taymoury, who was among the first to reject gender discrimination. Yet, Al-Taymoury published under a pseudonym and not even her family knew about her writing activity. Greater prominence was achieved by their male counterparts, such as the jurist Qasim Amin, who was one of the earliest advocates of women’s rights in Egypt. In his books *The Liberation of Women* (1899) and *The New Woman* (1901), Amin emphasized the significance of women for social progress and made a strong appeal for education.

The nationalist movement of the 20th century led to a rise in feminist activism. During the revolution of 1919, women went out on the streets and demonstrated beside men. They called for freedom and independence, some even unveiling as an act of protest against the confinement of the harem culture (Elwan and Sadek 2003: 8). This can be seen as one of the earliest acts of political participation of women in modern Egyptian history.

The British occupation of Egypt had brought secular and religious leaders, men and women together, shouting “Egypt for the Egyptians” (Cleveland 2009: 116–7). Women became a significant part of the struggle for independence, not only as protesters but also as symbols of a newly rising nationalism, which was familialized and feminized through terms like “mothers of the Egyptians” or “mothers of the nation.” As Baron (2005: 217) has shown: “Literary discourses and visual images of women and the family helped to propagate nationalism, making it at once familiar, stirring, and appealing.” Creating a distinctive yet familiar identity is an indispensable part of any nation-building process. It is essential in mobilizing masses and creating a perception of unity. Thus, the role of women in the nationalist movement was crucial in Egypt’s struggle for independence. Yet, their contribution to the movement was not fully reflected in the legislation when Egypt gained formal independence in 1922. It was not until the revolution of 1952 and the constitution of 1956 that they gained full suffrage. And even then, political equality was reserved for a minority of the female elite. The vast majority of Egyptian women were still heavily affected by paternalistic structures within society and repressive traditions. While the contribution of women to the nationalist movement had not found political or legal acknowledgement, their participation had led to the formation of organizational structures that subsequent movements could build upon. Two main female figures of that time have been highly influential in the women’s discourse: Malek Hefni Nassef and Hoda Shaarawi as proponents of an Islamist conservative type of feminism and a secular feminism. Nassef, a writer and teacher, was the first Egyptian woman to write in mainstream newspapers, albeit under a pseudonym. Her Islamist views on women still have a major impact on Islamist women’s organizations today. As with many other female leaders, Nassef was the daughter of a prominent political figure of her time, gaining access to higher education and the political

sphere. Hoda Shaarawi founded the first Egyptian women's organization in 1914, the Intellectual Association of Egyptian Women, which she created with female members of the gentry. With the help of others, she also set up the Wafdist Women's Central Committee in the 1920s, which was associated with the Wafd Party and a vital part of the Nationalist movement. However, when Wafd came to power, women's issues were not considered in the drafting process of the constitution.

In 1923, the Egyptian Feminist Union (EFU) was formed, with Huda Sharawi becoming its first president. The EFU and other organizations such as the National Feminist Party or the Daughters of the Nile Party belonged to a secular-oriented feminist stream of Egypt's women's movement. They demanded gender equality, improved educational conditions for women, and electoral rights. One main concern was a reform of the Personal Status Law, which allowed polygamy and granted men the right to file for divorce unilaterally. Other types of women's organizations can be described as Islamist feminist, such as the Muslim Women's Association, founded by Zainab al-Gazali in 1936. Al-Gazali sought to restore the Islamic order as defined by Hassan al-Banna, founder of the Muslim Brotherhood. The Brotherhood followed a pan-Islamic, anti-Western, and anti-Zionist approach. The organization sought to increase female membership and made an unsuccessful attempt to incorporate the Muslim Women's Association. Islamist feminists accepted the complementarity thesis of men and women being created for different purposes, with each sex completing the other. This included women's general submissiveness to their husbands. At the same time, these organizations asked for better education of women within an Islamic framework. Despite the emergence of several women's organizations, political activism was largely confined to the elite class during this period (Blaydes and Tarouty 2009: 366).

### **From nationalism to kifaya! – Women in post-colonial Egypt**

While the colonial era can be characterized by heterogeneous feminist activism, the post-colonial period of the 1950s witnessed a receding female political engagement. Strict state monitoring of political activities under Gamal Abdel Nasser severely affected women's activism. In Nasser's political design, women were regarded as an important part within the modernization process and were increasingly integrated into the economy. However, the existing gender roles were not targeted and independent women's organizations were not allowed. Instead, the Ministry of Social Affairs took over, leading to a form of state feminism. As Hatem (1992: 233) claims, state feminism only replaced the dependency of women on their families with a dependency on the state.

With the transformation of Egypt from a one-party system to a multi-party system, the post-Nasserist era gave rise to a renewed female activism after 1976. For the first time, a women's quota was introduced that reserved 30 out of 360 parliamentary seats for women. The new president, Anwar El Sadat, followed

an *Infitah* (open door) policy with a number of mainly economic reforms and a general alignment with Western markets. The resulting economic gap within society had a great impact on women, being severely affected by unemployment. While their integration into the labor market decreased, they benefited from a reform of the Personal Status Law, which was implemented in 1979 by presidential decree. This reform is also known as Lex Jehan, named after Sadat's wife, who was a strong supporter of the new legislation. Lex Jehan improved women's rights with respect to regulations on divorce. However, it hardly cut back on the traditional privileges of Egyptian men.

New independent women's organizations emerged in the 1980s and 1990s. One factor contributing to the rise of women's movements was the proclaimed United Nations Decade for Women, which put the women's question on a global political agenda. Another reason can be seen in the rise of Islamist movements, which had gained success in rolling back prior political achievements by women (Hatem 1993: 31–2). In reaction to this new trend, secular women became encouraged to engage in the legislation process.

Finding a balance between rising Islamist demands and political pressure by external donors was a major challenge for Husni Mubarak, who came to power in 1981. Only four years later, strong Islamist opposition led to the amendment of the Personal Status Law, taking back many rights women had attained before. Furthermore, laws that went back to the Nasserist time forced women activists to operate either as informal groups or as officially registered organizations, which are controlled by the Ministry of Social Affairs. In order to meet publicly or hold rallies and protest marches, women's organizations needed to get the approval of the Ministry, which could also disband private organizations (Al-Ali 2002: 12).

At the same time, the state established its own women's organizations. One example of a secular organization created by the state under Mubarak is the National Council for Women, which was established in 2000. This organization is presided by the president's wife, Suzanne Mubarak, and dedicates itself to the advancement of women in the political realm, such as giving advice and support to female candidates running for parliamentary seats. Concurrently, grass-roots Islamist organizations emerged, which proved to be highly successful in mobilizing women. Although Islamist groups are not a new phenomenon, they have been gaining significance over time due to the retreat of the Egyptian state (Blaydes and Tarouty 2009: 367).

Simultaneously, since the 1980s, we have been witnessing a growth of service- and welfare-oriented NGOs, leading to a new type of organizations, termed "advocacy NGOs," which were not limited to the traditional sectors of social welfare but interested in social change, influencing public opinion, and trying to expand their authority (Stachursky 2006: 74). One of the first advocacy NGOs of that time was the Arab Women's Solidarity Association (AWSA), established by Nawal El-Saadawi. Many organizations evolved out of the student's movement of the 1970s. Thus, the majority of these women belonged to the well-educated urban elite, mainly residing in Cairo. This elite had little access to conventional

politics such as parties or unions (ibid.: 75). Participating in women's organizations gave these women a platform for expressing their opinions and participating in the political process. In the 1990s, Egyptian NGOs developed transnational relations and were integrated into a broader global discourse with a strong emphasis on human rights (ibid.: 76). Almost all of these NGOs depended on foreign help. Critics rejected foreign funding as Western interventionism. They stated that this kind of dependency would lead to neglecting local issues in favor of external interests. While the issue of foreign funding has been discussed within women's organizations, there has not been a solution to the problem, yet, as most do not have alternative funding options. Though advocacy NGOs may not be representative of the mainstream women's movement, they served as important motors of the broader gender discourse in Egypt (Jürgensen 2004: 295).

In the new millennium, women have also become active in a broader movement that was formed out of protest against Mubarak's sixth term in office and his Emergency Law Rule of 1981. The movement, called *kifaya* (Enough!), is an umbrella group consisting of several activists from different, sometimes even conflicting, organizations. Individuals from different parties as well as informal movements such as the Brotherhood have joined *kifaya*. Protests began in 2003 when a group of Egyptians published a manifesto in which they asked the current government to change its political course. A series of demonstrations and sit-ins followed. The movement thus succeeded in breaching the state's ban on street protests and continues to put pressure on the government.

### **Demands through amendments – The constitutional setup**

The different women's movements in Egypt's modern history have contributed and still contribute to changing legislation by formal and informal means. Given the legal situation, this process will not abate in the near future. Constitutional articles that postulate equality are limited to the public sphere and apply to the electoral rights or the right of health and education (Würth 2003: 53). In the private sphere, legislation is much more discriminatory. In most Arab countries, many parts of the legislation have borrowed heavily from European, mostly French, legislation. With regard to family law, however, Arab states have referred to the traditional Islamic law (*fiqh*) with immediate consequences for marriage, divorce, and inheritance. Conciliating the traditional family law with modern circumstances poses a major obstacle: On the one hand, traditional gender roles are postulated based upon *fiqh*; on the other hand, gender roles need to be "modernized."

The issue was tackled by a new Personal Status Law passed by parliament in 2000. The law led to heated debates as it allowed *khul* – a woman's right to initiate divorce on any grounds as long as she returns the groom's gifts or dowry – and prohibited men from divorcing their wives without informing them at short notice. Furthermore, the creation of a Family Court was introduced. The new court was designed to facilitate the legal process through mediation and first-

instance proceedings. Three judges and two social and psychological experts – of which one must be a woman – review each case. The Social Research Center at the American University in Cairo has undertaken a series of studies in 2007 as part of a project on the “Pathways to Women’s Empowerment.” The study identifies several factors that undermine the effectiveness of the newly established Family Courts. According to Law 10 of 2004, both disputants need to be present during the mediation sessions. This creates a problem as the husband often does not attend. A major obstacle is the gendered views of the “specialists,” who lack proper training (Al-Sharmani 2007: 4). The whole proceeding is gendered. This holds for judges, lawyers, and the mediation specialists, who express highly gendered views on sexuality, rationality, and gender roles. Al-Sharmani (ibid.: 6) states:

*For instance, it has been observed that one of the strategies that some mediation specialists and judges use in their attempts to reconcile disputants in divorce cases is to warn the wife of the difficulties and stigma that awaits her as a divorcee. Furthermore, mediation specialists have expressed negative views about women who file for khul: they have argued that the women that come to their offices do not exercise this right rationally and file for khul divorce on what they thought to be “fickle” grounds such as being interrogated by husbands about their whereabouts or scolded for not doing the housework.*

Thus, the positive impact of the newly established Family Courts remains debatable.

In 2007, the heaviest changes in the constitution since 1971 took place. They contained the abolishment of parts of the notorious Emergency Law Rule that had been in place since 1981, which enabled the government to arbitrarily imprison individuals and confiscate possessions, thus being able to limit the scope of organizations such as the Muslim Brotherhood. The changes also targeted women’s issues, with Article 62 being amended. As Fürtig (2007) points out, the latter is to be seen in the context of extending the regimes scope of action by adding terms such as “civil rights,” “market economy,” “environmental protection,” or “women’s quota” to the discussion in order to please Western donors. The large majority of Egyptians did not seem to take the Mubarak referendum seriously. Even according to official numbers, less than 30 percent cast a ballot, of which 75.9 percent voted in favor of the amendments. Other sources claim voter turnout was only as high as 10 percent (ibid.: 7).

### **Article 62 and the quota in question**

One of the major parts of the 2007 amendments regarded Article 62. In 2006, Mubarak called for 34 articles of the constitution to be amended. Egypt’s two-chamber system consists of the majority-elected People’s Assembly (*Majlis*



*al-Sha'b*) and the partially elected Consultative Council (*Majlis al-Shura*). Both houses approved the amendments in 2007. Article 62 contains an important change with respect to women's rights. The old article states: "Citizens shall have the right to vote, nominate and express their opinions in referendums according to the provisions of the law. Their participation in public life is a national duty."

As published in *Al-Ahram Weekly*, the amended article states:

*Citizens shall have the right to vote and express their opinions in referendums according to the provisions of the law. Their participation in public life is a national duty. The law regulates the right of nomination to the People's Assembly and Shura Council in accordance with any electoral system defined by law. It is possible for the [electoral] law to stipulate a system combining individual [parliamentary representation] and party slate system, in accordance with a proportion to be defined by law. And it is also possible that the law stipulates minimum quota for the representation of women in the two houses [of parliament] (Al-Ahram Weekly 2007).*

The last passage introduces a women's quota that is to be introduced for a period of 10 years. A heated debate has started since the end of 2007 about the pros and cons of such a quota. The amendment was suggested by the National Democratic Party (NDP), which has been the ruling party ever since its establishment in 1978. As laid out by El-Mirghani (2009), critics claim the quota will not help as long as women are not integrated into the party system. They lack the financial resources to campaign or build clientelist relations. Only 10 years and two legislation periods are not enough to change people's attitudes toward women. Furthermore, it is expected that the one institution profiting the most from a women's quota is the ruling NDP itself. Due to the NDP's human and financial resources, the additional seats will most probably be won by female members of the party. Thus, the introduction of a quota is seen as a political maneuver of the ruling party to extend its power in parliament. In addition, it has been stated that having more women in parliament does not necessarily lead to more advancement in gender-related matters. On the other hand, quotas are an important step in changing public perception. More women in parliament may lead to the encouragement of more women entering the political sphere and they might receive support by women who are already occupying posts. It may also be seen as effective opposition toward Islamist forces within society by showing that women are able to maintain themselves within the public sphere and can be just as successful as their male counterparts.

As shown above, the women's quota debate is not a new phenomenon in Egypt. In 1979, a women's quota reserved 30 seats in the National Assembly for women. In addition, women could run against male counterparts for other seats while men were not permitted to run for seats that were reserved for women. Furthermore, at least 2 out of the 10 parliamentary members appointed by the president must be women. Due to the accelerated events, society was not

well prepared to accept such changes. Top-down processes with no grassroots integration proved to be a big obstacle in receiving general public support. Conservatives strongly opposed female participation in parliament as a threat against core values. The political parties failed to integrate women broadly and confined them to committees dealing with social or service issues (Abou-Zeid 2003: 4). Thus, the quota was proclaimed unconstitutional in 1986. As a result, the number of female parliamentarians dropped drastically. Without the quota, few women are still active in the parliamentary sphere. Another major restraint derived from a change of the electoral system in 1990, which replaced party lists with individual candidacies. Prior to the changes, women could get into parliament on a party ticket if they occupied high spots on the list. With individual campaigning mandatory, women now face many more difficulties in running for parliament due to their limited resources and lacking social support (Ismail 2009). In the 2005 parliamentary elections, only four women won seats out of 444 available positions. Mubarak assigned four more to women. In the Shura Council, only one woman won a seat, Mubarak appointed another 16. All combined, only 25 women serve in both houses of parliament today. In order to increase the number of female members of parliament, the new law adds 64 new seats to parliament for which only women can run. Specifics of the new law's implementation have not been worked out yet. Nevertheless, the law passed by a majority and will last from 2011 to 2021. Thus, the People's Assembly will have at least 64 female MPs out of 518, making up 12 percent of representatives (Egypt Today 2009).

## **Feminized economy**

Even with the introduction of the women's quota, the question remains why the number of women interested in running for office or in participating in politics is low. According to the *Arab Human Development Report* (AHDR) of 2002, the discrimination of women is one of three key obstacles for development in Arab states (UNDP 2002). Unemployment rates for women in Arab countries are higher than those for men and among the highest in the world. The huge gender gap in the labor market is not merely the product of the inability of many Arab economies to create enough jobs; it is emblematic of the "entrenched social bias against women" (UNDP 2009: 10). Women's participation in the economy is an integral part of their empowerment. As the AHDRs have shown, women's labor market participation (LMP) in the MENA region is among the lowest in the world. This also holds for their share in parliaments, cabinets, and the work force in general. An LMP study of 2007 showed that cultural factors, often associated with Islam, do not suffice in explaining the low participation of women in the labor market. Opportunities and conditions are just as important in determining their chances to get a job. The most important factor for increasing women's LMP is tertiary education (Spierings and Smits 2007: 20). However, higher qualification is not possible without basic education. According to El-Mirghani (2009), more

than 40 percent of Egyptian women are illiterate. In areas of upper Egypt such as Bani Suef, El-Menya, and Sohag, the rate is more than 50 percent. Thus, there is not only a gender gap in literacy but also a regional gap among female citizens.

Limited job opportunities, cultural discrimination and lack of proper qualification are among the most significant factors contributing to the working condition of women in Egypt today. However, internal structural limitations are not the only constraint. Externally induced Structural Adjustment Programs (SAPs) as recommended by the International Monetary Fund (IMF) have also affected women negatively. The SAP policy required a retreat of the state from an extensive welfare system and the privatization of state industries as to create an economy based on market forces. Thus, competitiveness on the labor market increased, making it even more difficult for women to find employment. Higher unemployment rates in general and labor migration also affected women's lives through their husbands; the lack of income put heavy pressure on women as the heads of households and contributed to their social burden (Abu-Zayd 2002: 1).

Women's lack of resources impacts their participation in the electoral process directly. They often do not have the money to campaign properly or to build up clientist relations. However, although their economic status is a major restraint, other factors pose an even bigger challenge. Women are highly under-represented in the local elections due to their gender-related, limited access to formal institutions. Although lack of resources is a main factor, more importantly they lack social and party support. None of the more than 20 political parties in Egypt today has worked out a consistent strategy in abolishing gender inequalities. Except for women of high reputation already occupying high positions in pressure groups and NGOs, most women are impeded in accessing political structures (Harders 2008: 6).

In a study of Arab women parliamentarians, Abu-Zayd concludes that women's financial independence alone during campaigning is not sufficient to participate in parliament. Their financial resources must enable them to carry out their parliamentary role, especially the role of providing services. This is the principle obstacle agreed upon by Egyptian and Lebanese women MPs interviewed by Abu-Zayd. The study also shows that 44 percent of women MPs were not able to attend parliamentary sessions as often as their male counterparts due to their household responsibilities (Abu-Zayd 2002: 4). Thus, even women who already occupy political positions still face limitations in carrying out their official duties due to gender-related activities they are still expected to exercise.

Running for parliamentary seats and staying in office requires heavy financial resources, thus excluding a large majority of Egyptian women from taking advantage of their passive franchise. As access to formal economic activities is limited, many low-income women have taken action by engaging in informal pursuits, such as staying in lines for hours to get subsidized food. According to Blaydes and Tarouty (2009: 370), vote-buying has become another such activity in which lower-income women participate. In the 2005 parliamentary election, vote brokers paid up to 200 LE for a vote. Women were the main target group as

their financial situation posed a higher incentive in selling their votes than that of men (Mohamed 2005). As Blaydes and Tarouty (2009: 371) stated: "Vote brokers are exploiting the most vulnerable elements of Egyptian society, particularly illiterate women, female heads of household, widows with young children, and handicapped women." In this sense, voting becomes less of a political act and more of an informal economic activity, making vote-selling an option contributing to economic empowerment.

While vote-buying has become a form of political mobilization of particularly low-class women, the Muslim Brotherhood has followed a different strategy in reaching voters. The Brotherhood successfully uses women as vote recruiters, knocking on people's doors, campaigning for the Brotherhood. The advantage of female recruiters lies in their ability to make social calls on homes of other women as well as their existing social ties and their symbolic value, which have proven to be highly effective in the mobilizing process (ibid.: 376). Women have also shown to be a powerful motivator for men to engage in political activity. One such example is the Ghazl el-Mahalla incident. El-Mahalla el-Kubra is a city of the Nile Delta, famous for its textile industry. Protesting against low wages, 3,000 female garment workers went on strike in a textile factory. They walked over to their male colleagues, who were still working, and chanted: "Where are the men? Here are the women!," thus instigating a major strike as their male counterparts felt obliged not to rank behind them (Beinin and El-Hamalawy 2007).

## **Conclusion – Legislating public attitude?**

Egyptian women have actively participated in social and political matters in the course of the nationalist movement and have struggled for their country's independence as well as for their own. Many efforts with regard to gender rights and female empowerment have been made, especially since 1952. Yet, despite their efforts, women are still not properly represented in the political sphere.

As the Egyptian rentier economy underwent serious changes in the 1980s while authoritarian rule prevailed, the repercussions hit women drastically in the social, economic, and political realm, regardless of the state's attempts to narrow the gender gap. As Elwan and Sadek (2003: 1) put it:

*Close examination of the gender situation in Egypt clearly shows that despite the government's efforts in promoting the status of women, they still suffer from various degrees of discrimination, depending on their financial position, educational level and geographic location. Today, even though women have tapped into almost every professional field, their status remains unequal to that of men. Poverty, lack of education and innate resistance to social change are among the prime factors preventing women from fully grasping and exercising their rights.*

The state's retreat from many social fields opened the space for other social actors to fill in. Several women's organizations have committed themselves to problems occurring in the course of governmental withdrawal. Often, their priorities center on modernization and development matters, with a special focus on poverty, illiteracy, work, and health. They try to raise awareness of women's issues and provide information on legal options or on social taboos like female genital mutilation (FGM). Their efforts led to the creation of an FGM Task Force, the amendment of the Personal Status Law, and the introduction of a women's quota. All of these changes need to be seen in light of a strong female discourse and the ability of women activists to make their voices heard.

At the same time, we cannot speak of a single Egyptian women's movement. Different streams, which may be broadly categorized into secular feminists and Islamist feminists, continue to influence the discourse as well as the political agenda. Their different concepts about the role of women result in different views on the concept of political rule. Yet, both act on common ground in their promotion of female education, albeit in different shapes. Furthermore, members of various organizations come together within the framework of *kifaya* to oppose the current political setup under the current regime.

Mubarak and the ruling NDP have introduced various regulations and institutions aimed at promoting equality such as the creation of the Family Courts, a woman's quota, or the National Council for Women. Furthermore, since 2003, Egypt has seen its first female judge, a female university president, and several female cabinet ministers. They all were appointed by the president himself. However, gender equality cannot be achieved through top-down policies and laws alone. As the study on Family Courts has shown, creating new institutions is not useful without a change in mentality of the people in those institutions. The heated debate on the amended Article 62 is another indicator of the social obstacles still faced by women today. The fact that the NDP has only proposed a limited 10-year span for the quota further indicates the difficulties in enforcing such an amendment and the fear of facing abolishment, such as the last time a quota was introduced.

While Harders (2008: 1) states that there is social transformation without political transition, it might be the opposite case when it comes to gender issues. A representative survey among unmarried Egyptian adolescents between 16 and 19 showed that both boys and girls still support a traditional division of roles between men and women, with the girls being somewhat less conservative. As Mensch et al. (2003: 16) put it: "The findings indicate that the conventional view of gender relations is one in which women are generally submissive to men and are confined by social norms to roles within the family. For the most part, the findings support the prevailing view of gender roles in Egypt." The prevailing gender attitudes also affect voting behavior. Female candidates running for seats not only face rejection by men but also by female voters. Women themselves often do not vote for female candidates as they regard their male counterparts as more competent and suited for a political post (Ismail 2009).

Gender equality cannot be achieved through policies alone. There is no legislation for public attitudes. Therefore, any top-down processes have little more than a symbolic effect as long as they are not carried by a broad social spectrum and integrate the many grassroots organizations that have evolved in the last decades.

So far, political support for women has been inconsistent and linked to an international agenda (Abu-Zayd 2002: 4). Most recent developments indicate that the Egyptian state even severely damages the Egyptian women's movement (Al-Ali 2002: 20). With the increase in censorship, more than 500 titles have been "withdrawn from circulation," leading to self-censorship and heightened suspicion of feminist themes (Zuhur 2001). Furthermore, there is a complete lack of a consistent strategy with regard to gender issues, not only within the ruling NDP but in all parties. Female party members are not sufficiently backed up or supported. The numbers of female membership in parties is low and women are often assigned posts "suited" for them, such as in committees dealing with family or social issues. Lastly, the women question is often used as a scene for a broader power struggle between the Egyptian state and Islamist movements (Stachursky 2006: 83).

The dangerously low representation of women in the political sphere results in a lack of change in the discriminatory legislation or the creation of new beneficial laws. Their economic limitations, little or basic educational qualifications, and a missing substantial link to political parties are major obstacles for gender equality. The legal status of women may have improved but the social status has not. And as long as social polarization and existential threats deepen, there will be a demand for security provided by traditional family structures (Kreile 2009: 271), thus hindering any real opportunities for broader political participation.

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DANA FENNERT

# Moroccan Feminists and the Reform of the Personal Status Code

## Introduction

Morocco's Muslim Family Law, the *Moudawana*, is widely seen as the most advanced Family Law in the Islamic world and serves as a model for other countries. The credit for the achievement of reforming the Family Law with respect to gender equality goes to a large extent to what is called the second generation of the Moroccan women's movement. The activists of the second generation were more successful than the previous generation because they combined secular arguments with religious ones and used this combination to bring forth their demand for gender equality.

This article takes the struggle to reform the country's Family Law as a case in point in order to discuss two findings: (a) The second generation women's movement turned toward framing its demands in a religion-based rhetoric because it would have lost "its battle" for reform if it had not done so; (b) since the rhetoric clearly changed and a religious rooting of arguments became a strong feature of the movement, the second generation of Moroccan feminists can be regarded as a current of Islamic feminism.<sup>1</sup>

After sketching out my understanding of Islamic feminism (for an extended discussion see Hoda Salah's article in this volume), I will address the topic of Islamic or Muslim Family Law. Both expressions are used synonymously here, since the literature frequently refers to Islamic Family Law and its abbreviation IFL (cf. An-Na'im 2002), whereas today's feminist activists seem to prefer

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1 In proposing this perspective, I look forward to debating it further with colleagues and potential readers. The study of the Moroccan women's movement forms part of a major research project on transnational advocacy networks for reforms of Islamic/Muslim Family Laws.

the term Muslim Family Law.<sup>2</sup> Morocco has coined its own name for the law, which serves as the country's Personal Status Code since 1957, *Moudawana*.<sup>3</sup> Tracing the trajectory of the Moroccan *Moudawana* within the broader setting of movements and initiatives to reform Islamic Family Laws around the world allows for a kaleidoscopic view of the women's movement's contribution to its revision. The Moroccan feminists' activities are looked at from a first and second generation perspective. Following decades of struggles, the revised version of the *Moudawana* (in 2004) eventually gave way to principles of gender equality in its wording. The successful struggle of the Moroccan women's movement notwithstanding, this article will conclude with some critical remarks about the gap between the IFL as a legal norm and its actual implementation and enforcement.

## Islamic feminism

Depending on the individual's viewpoint, identification, and involvement, Islamic feminism is a strategy, a theory, and/or a movement that seeks to establish women's rights and gender justice within the framework of Islam. The term "Islamic feminism" is widely discussed and scrutinized by Muslim and non-Muslim (feminist) scholars alike.<sup>4</sup> It is a contested term, inviting debates and attempts at its definition from many ideational vantage points. "Islamic feminism appeared at the [...] end of the twentieth century as a salient, re-energizing force in the reformist arena of a new *discourse* of gender equality. Only later would Islamic feminism become a *social movement*," writes Margot Badran (2002: 6). Yet "Islam and feminism have had a troubled relationship," reflects Hania Sholkamy (2010). Her finding holds true for actors in the discursive and the social movement arena alike. Sholkamy (ibid.) goes on, stating that

*[o]ver the last two decades, scholars and activists have questioned the western credentials of feminism and claimed justice as a purpose and possibility that can be captured via religious routes. Religion provides women with an ethical framework and a moral foundation that recognizes their rights as individuals and as a collective, albeit redefining equality in the process.*

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- 2 The term Muslim Family Law indicates that the law has been formulated by human beings (Muslims) according to what they thought was appropriate and compliant with the principles of Qur'an and Sunnah. Hence, the content and the wording can be altered as societal conditions and requirements change. The term Islamic Family Law indicates that there is only one interpretation of the sources and principles that deserve to be called Islamic, thereby cutting off any debate about the definition of "Islamic" – and making any change difficult. –Personal conversation with activist Rozana Mohd. Isa, Sevilla, Nov. 10, 2009.
  - 3 The spelling of the term varies in the literature – *Mudawana* or *Moudawwana* are varieties of the spelling used here.
  - 4 See, e.g., Wadud (2006). Salah's article in this volume provides a concise overview of the discursive currents within Islamic feminism.

Religion thus plays a major role in the conceptualization of Islamic feminist thought. The underlying assumption is a separation of the secular and the religious, which is commonly accepted, but also challenged by both scholars and activists (cf. Casanova 1994; Bouma 2006). While agreeing with the view that secular Muslims or secular Christians must by no means be relegated as anti-religious, this article sticks to a distinction between religious and secular. The bottom line is then formed by the observation that (not all, but many) Islamic feminists use secular as well as religious frames of reference to strengthen their arguments, emphasizing their complementary and convergent aspects rather than their divisive and contradictory ones. Therefore, Islamic feminism cannot be regarded entirely antithetical to secular feminism, nor can it be subsumed under a global umbrella of secular feminism and merely be seen as a religiously inspired branch of this phenomenon. The religious element is strong in most of the endeavors that Islamic feminists undertake. As Badran (2009: 6) summarizes,

*[i]n the 1980s and 1990s, a number of Muslim women scholars devoted to Islam and deeply troubled by inequalities and injustices perpetuated in its name by patriarchal interpretations of scripture and other religious sources took it upon themselves to investigate the Qur'an.*

I understand this to be the leading idea of most of those who consider themselves Islamic feminists or are regarded as such by outside observers. In Morocco, the activists of the first generation women's movement can be called secular feminists because they utilized exclusively secular arguments to achieve gender equality. They were active during the period of intensified nation-building after Morocco's independence in 1956 and became part of the political parties' electoral campaigns (Sadiqi 2008: 326).<sup>5</sup> This involvement in a postcolonial country's nation-building efforts was not an exceptional feature for a women's movement of those days in the Middle East and North Africa (MENA) region, as described below. In the latter quarter of the 20th century, however, the tide or *Zeitgeist* had changed significantly and it turned out that a purely secular approach was bound to fail in a society where religious norms and traditions played such an important role for people's everyday lives and social relations, as was the case in Morocco. Gender equality in the family had, regardless of its religious or secular grounding, been on demand in both generations since the family as a core organizational unit of society formed a crucial arena for not only women's rights, but also for social stability of the nation-state. Legal family affairs are traditionally handled under the jurisdiction of Islamic courts, and this is why Islamic Family Laws have become a particular rallying point for

5 Fatima Sadiqi (2008: 325) dates the beginning of the feminist movement in Morocco back to 1946, but mentions that it was composed of mainly middle and upper class women of the city of Fes with influential male relatives who were organized in the then one and only political party, *Istiqlal* (Independence).

women's rights activists throughout the Muslim world. The following paragraphs will highlight a few characteristics of Islamic Family Laws in general and shed a light on the current state of the Personal Status Code in Morocco. The enhanced demand to revise outdated Family Laws in the Muslim world will be illustrated by the example of the transnational advocacy network *Musawah for Equality in the Family*.

## Islamic Family Laws

In every Islamic country, except for the Republic of Turkey,<sup>6</sup> civil jurisdiction in regard to family, marriage, divorce, child custody, inheritance, and the like is regulated by a Family Law, which is based on provisions deriving from Islamic legal doctrine and tradition, as spelled out in the five schools of Islamic jurisprudence.<sup>7</sup> Due to the great variety of scholarly and religious views within Islam, there are many different versions of the law. Family Law provisions, therefore, differ in every Islamic country, leading to considerable differences in the legal status of women. Comparing, for instance, the minimum age of marriage for women, as stipulated in Morocco's and Sudan's Family Law, reveals a huge difference: In Morocco, the minimum age is set at 18 for women, whereas in Sudan the threshold is the "age of discretion," or 10 years old.<sup>8</sup>

Nevertheless, all IFLs share similarities. Since they apply to the Muslim population in nation-states, they are part of the national jurisdiction of the respective country, albeit based on religious sources and executed by religious courts. This leads the Sudanese-born scholar Abdullahi An-Na'im (2002: 20) to reason that "[l]ike all aspects of the legal system of each country, family law is really based on the political will of the system of the state, and not on the will of God." This renders, inevitably, women's efforts for a reform of Family Law a political endeavor.

The need for a reform of laws pertaining to family affairs is reflected in the prominence this topic has gained on a global scale. Numerous initiatives on the national, transnational, and international level have come up in recent years, aiming at gender equality and concentrating first and foremost on a revision of

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6 One might object to calling Turkey an Islamic country. I am using the term here solely in order to refer to countries that provide separate legal provisions for Muslim citizens – be it Muslim-majority countries, such as Turkey, or Muslim-minority countries, such as Thailand.

7 These five schools consist of four schools of Sunni Islam, namely Hanafi, Hanbali, Shafi'i and Maliki, and one school of the Shi'a branch.

8 For Morocco, see <http://www.hrea.org/moudawana.html#21> (accessed May 20, 2010); for Sudan, see [http://www.musawah.org/np\\_sudan.asp](http://www.musawah.org/np_sudan.asp) (accessed May 20, 2010).

Muslim Family Laws.<sup>9</sup> One such initiative is *Musawah*,<sup>10</sup> a transnational advocacy network for equality in the family, initiated in 2007 by the Malaysian NGO Sisters in Islam alongside 12 activists and scholars from 11 different countries. This network regards the Moroccan Family Law reform a major success and a model for other countries.<sup>11</sup> The overarching motion of the network reads: “There cannot be equality in society without equality in the family.”<sup>12</sup> Guided by this principle, *Musawah* demands a reform of the IFL in Islamic countries and opts for a reinterpretation of the scripture in order to bring unjust laws in line with universal norms of equality.<sup>13</sup> It stresses that “injustices and discrimination were also common in secular laws throughout the world,” but that changes were made.<sup>14</sup> This can be done to Muslim Family Laws, too, by reconciling universal norms and Qur’anic teachings.

*Qur’anic teachings encompass the principles of justice (‘adl), equality (musawah), equity (insaf), human dignity (karamah), love and compassion (mawaddah wa rahmah). These principles reflect universal norms and are consistent with contemporary human rights standards. These key Qur’anic values can guide further development of family laws and practices inline with the contemporary notion of justice, which includes equality between the sexes and before the law.*<sup>15</sup>

*Musawah* considers the principles of Islam “to be the source of justice and equality, fairness and dignity for all human beings.”<sup>16</sup> Searching for gender equality within the framework of Islam, the network constitutes an example of transnational Islamic feminist activism. This, however, does not mean that *Musawah* with its commitment to religious feminism opposes the ideas of secular feminists. Kathambi Kinoti (2009), a Kenyan feminist, claims:

*By giving equal emphasis to human rights principles, national and constitutional guarantees against discrimination, lived realities and Islamic*

9 A few examples are Women Living Under Muslim Laws (<http://www.wluml.org>); Women’s Empowerment in Muslim Contexts (<http://www.wemc.com.hk/web/index.htm>); Women’s Islamic Initiative in Spirituality and Equality (<http://www.wisemuslimwomen.org>); or the Muslim Women’s Research and Action Forum (<http://www.mwraf.org>).

10 Arabic term for “equality.”

11 See *Musawah*’s compilation on successful reforms, [http://www.musawah.org/successful\\_reforms.asp](http://www.musawah.org/successful_reforms.asp) (accessed May 21, 2010).

12 See <http://www.musawah.org/about.asp> (accessed May 20, 2010).

13 See paragraph I (“Equality and Justice in the Family Are Necessary”) of *Musawah*’s framework for action, [http://www.musawah.org/framework\\_action.asp](http://www.musawah.org/framework_action.asp) (accessed May 20, 2010).

14 [http://www.musawah.org/framework\\_action.asp](http://www.musawah.org/framework_action.asp) (accessed May 20, 2010).

15 See paragraph II (“Equality and Justice in the Family are Possible”) of *Musawah*’s framework for action, [http://www.musawah.org/framework\\_action.asp](http://www.musawah.org/framework_action.asp) (accessed May 27, 2010).

16 <http://www.musawah.org/index.asp> (accessed May 20, 2010).

*principles that show equality to be necessary and possible, Musawah is able to challenge the secular/religious divide that has long been a backdrop to this debate among feminists.*

According to Margot Badran, this consciousness gives evidence of the mutual influence as well as the shared viewpoints of secular and religious feminists. Rabéa Naciri, a Moroccan member of *Musawah*, represents the Democratic Association of Women in Morocco (Association Democratique des Femmes du Maroc; ADFM) in the network.<sup>17</sup> The ADFM is a feminist NGO that has played a decisive role in the Moroccan women's movement of the 1980s, hence the second generation of reform-oriented feminists. This movement, which emerged in the mid-1980s, is also a good example for an alliance of religious and secular feminists. In 2004, its activities ignited a reform of the Personal Status Code/*Code du statut personnelle*. Since then, the codification now referred to as the Family Code/*Code de la famille*, or *Moudawana*, grants women almost the same civil rights as men. In the local media, the *Moudawana* is celebrated as the most advanced concept of an equality-friendly Family Law in the Islamic world – notably outpacing Tunisia, which hitherto had the most advanced status for women legally codified (Roussillon 2005: 558). How was this success brought about and what role did Moroccan feminists play in the development of legal reform?

## **The Moroccan women's movement**

Before the revised version of the *Moudawana* was passed in 2004, Moroccan feminists regarded it as thoroughly insufficient and unjust. In 2001 Souad Eddouada, a Moroccan scholar of gender issues, complained: “The Moroccan *Moudawana* is one of the most gender discriminating and conservative interpretations of Islamic family law.” And according to a statement around the same time by Leila Rhiwi, activist and chair of ADFM, it reduces all women to legal juveniles as it upholds the principle of male guardianship over women (Rhiwi cited by Eddouada 2001). The revision of the Family Code in 2004 was the product of an order by King Mohamed VI and the demands of the feminist movement. At its inception in 1957/58, the Personal Status Code, as developed by religious scholars and interpreters of Islamic doctrines in line with the Malikite tradition of Islamic jurisprudence (Pittmann 2007), women were considered as minors or legal juveniles. According to this code, a “woman is under the guardianship of her father and later on her husband. This prevents women from having legal independence or autonomy” (Rhiwi n/d).<sup>18</sup> According to the law then, the household was under the command of the husband, and women had the duty to obey.

<sup>17</sup> For details, see <http://www.adfm.ma/index.php?lang=en> (accessed May 21, 2010).

<sup>18</sup> See transcript of the video “Hopes on the Horizon,” <http://www.pbs.org/hopes/morocco/transcript.html>. Undated (accessed March 12, 2010).

The basic principle of marriage was obedience, suggesting that if a woman did not obey her husband, he had the right to repudiate her (Sabra 2004b). The roles were clearly defined in that the husband was the supplier and the women had to take care of homemaking and the education of children. Moreover, women did not have the right to demand divorce or to claim custody of their children in case of a divorce. Men were privileged in the case of inheritance. Essentially, the Islamic Family Law propagated a patriarchal family model.

While other laws were linked to secular French models, the Personal Status Code was the only law based on Islamic Law (*Shari'a*). The religion of Islam, though, was forcefully implemented as the state religion, including the notion that the king as a descendant of the Prophet Muhammed was considered the commander of the faithful (*amīr al-mu'minīn*). This made him the person with the highest religious prestige and the prerogative to interpret Islamic laws. Obviously, the IFL constituted a paradox to the Civil Constitution of 1962, which in Article 5 declares all Moroccan citizens as equal before law.

The first generation of Moroccan feminists was active in the immediate post-colonial period of Morocco. They demanded that women should no longer be politically, economically, and culturally disadvantaged or marginalized, and should no longer be reduced to their traditional role, that is, to the role of mother and wife with their reach of action largely confined to the private domain. Similar to the women's movements of those early post-colonial days in other countries of the MENA region (Al-Ali 2000: 1–16), Moroccan feminists wanted to be involved in the affairs of the newly emerging nation. As for their sisters in the region, nationalism was the “leading idiom through which issues pertaining to women's position in society were articulated” (Kandiyoti 1996: 8). Their predecessors of the colonial era, the “pioneer women” of Morocco's feminist movement, as Sadiqi (2008: 325) calls them, had already been involved in the liberal nationalist movement against the French occupying force. Supported by male liberal nationalists of the time, they demanded “the abolition of polygamy and more visibility in the public sphere” (*ibid.*). After Morocco gained its independence from France in 1956, political parties established women's sections in which many feminists were actively involved. Although these women based their demands on liberal and secular arguments referring to their rights as individual citizen in the public sphere, they were well-aware of the significance of Islam in Moroccan society. Yet Islam was not the sole source of gender injustice. It was tradition rather than the religion of Islam that played a major part in cementing inequalities. This may have been one reason for a predominantly secular framing of the party women's feminist demands. Sadiqi (2006) resumes that the first generation of Moroccan feminists was guided by a key insight, namely that “the interactions of men and women were not dictated by religion, but by social practices that had often used religion as a means of reinforcement.”

On the whole, the feminists of the late 1950s and through the 60s and 70s were loyal members of their respective parties and represented, first and foremost, party interests. Rabéa Naciri (1998: 7) underlines that the first genera-

tion of women worked toward integration into the parties of the left in the 1960s and 1970s, and that the contemporary women's movement owes this generation a lot. From today's perspective though, being a member of a party's women's section looks like subordination to a considerable extent. Even the "guidelines for their [= women's; D.F.] activities were determined by their male party members" (Belarbi 1997: 128). Until the 1980s, the country's feminists largely operated from within the national political parties. It was only when nationalism and Islam became combined and signified an "authentic" identity of Muslim women that the rhetoric changed from a secular to an increasingly religious diction.

### **The struggle for equality**

In the 1980s, the question of women's role in society was revived when women left the political parties in order to take feminist matters into their own hands; independent civil society groups emerged and became particularly interested in human rights and women-in-development issues (Moghadam 1997: 24). Among other factors that may have encouraged the proliferation of female civil society organizations, Valentine Moghadam (1997: 26–32) holds four factors accountable for this phenomenon throughout the region, including Morocco. Firstly, demographic changes facilitated women's organization apart from party politics – for simple reasons such as the rising number of educated women in the labor force. Secondly, economic pressure called for action, since the state failed in a number of policy fields (e.g., reproductive health or the reduction of illiteracy) and in legal reform. Political factors including the issue of human rights and women's rights, but also the issue of increasing religious fundamentalism, form a third aspect. Eventually, international factors such as the rise of global feminism, the UN decade for women (1975–85), and the impact of international donors were of relevance, too. The expansion of women's organizations in the latter quarter of the 20th century was accompanied by a "strong identification of cultural authenticity with Islam" (Kandiyoti 1996: 9). Referring to the growing tension between secular-national and Islamic requirements for the assertion of feminist demands, Deniz Kandiyoti (ibid.) stresses, as a result, "the preoccupation with Islam as a marker of cultural identity." Islamist forces were quick to point out that feminist interests were "anti-religious" and "anti-nationalist," implying a collaboration of women's groups with Western imperialism (Al-Ali 2000: 1). This led to severe consequences:

*[It] has meant that feminist discourse could only legitimately proceed in two directions: either denying that Islamic practices are necessarily aggressive or asserting that oppressive practices are not necessarily Islamic (Kandiyoti 1996: 9).*

The Moroccan feminist movement – that is, the second generation emerging in the 1980s – was apparently affected to a lesser extent than other movements of



the MENA region by this dilemma, but it was nonetheless affected to a considerable, but by no means negligible, extent. Indeed, the greatest challenge for the supporters of a reform of the Family Law in Morocco was the Islamist movement and its women's section. In their view, women rights are to be exclusively based on *Shrai'a* law and can only be interpreted by religious experts (Henning 2005: 17). I will wrap up the contestation of the decades leading to the enactment of a revised *Moudawana* in 2004 in the subsequent paragraphs.

In the 1980s, inequality between men and women was first debated in the Moroccan journal *8 Mars*, which was launched in 1983. Since 1985, feminists of Tunisia, Algeria, and Morocco commenced cooperation in order to work out a common platform in pursuit of gender equality. The intention was to demand a revision of their countries' constitutions in a gender-sensitive manner, a revision of the Islamic Family Laws, the protection of women's political rights, and the accordance of national laws with international conventions (e.g., the Convention on the Elimination of All Forms of Discrimination Against Women or CEDAW, which had been adopted by the UN General Assembly in 1979)<sup>19</sup> (Moket 2007: 205). Their ideas referred to equality in the public as well as the private sphere. In this process, the revision of the IFL formed a major claim. In terms of the development of Moroccan feminism, the struggle for a codification of gender equality in the Personal Status Code proved as crucial, as it had a vitalizing impact on women's self-organization. It brought together women of different backgrounds, classes, and attitudes. In conjunction with an overall climate of political liberalization in the Morocco of the late 1980s, it yielded the emergence of numerous NGOs (ibid.: 196). The first independent women's association was ADFM, founded in 1985. Mourad Errarhib, program coordinator of the Friedrich Ebert Foundation for Morocco, points out that in the late 1980s the feminist movement was still essentially geared toward universal women's rights, taking a stance against religious norms and disregarding traditional conventions. Feminists then put emphasis on gender equality as inseparable from a universal understanding of human rights and democracy.<sup>20</sup> Later on, in 1991, women's activists of Morocco, Algeria, and Tunisia founded the *Collectif 95-Maghreb Egalité* (Collective 95-Maghreb Equality), with ADFM being one of its core members. In preparation for the United Nations Fourth World Conference on Women in Beijing 1995, the Collective worked out an alternative Islamic Family Law for the three Maghreb countries. Katja Žvan describes that document as secular, since it was predominantly based on the notion of universal rights.<sup>21</sup>

Most academic studies claim that the second generation of the Moroccan women's movement was only able to emerge because of the overall process of liberalization, which was triggered by international pressure on King Hassan II (Pittmann 2007: 11). Hassan's authoritarian and autocratic rule<sup>22</sup> was referred

19 Morocco ratified the CEDAW convention on June 21, 1993.

20 Personal communication, Rabat, Oct. 23, 2008.

21 Katja Žvan (2007).

22 Hassan II ruled Morocco from 1961 to 1999.

to as *Hassanisme* and had become heavily criticized by foreign governments. The fear of losing legitimacy in the international community forced the king to support the implementation of human rights and a general policy of political liberalization (Faath 1992: 406). The new climate recorded immediate harvest in Morocco's civil society. "The country's move toward openly democratic and liberal economic structures in the 1980s and 1990s created the space for civil society groups to flourish, particularly women's rights associations" (Pittman 2007: 10).

The climate of political liberalization allowed the UAF (*Union de l'Action Féminine* / Union for Women's Action) to initiate the first broad public debate about the reform of the *Moudawana*. Supported by left-wing parties and other associations, the UAF launched the action "1 Million signatures for the reform of the Family code" through the journal *8 Mars* in March 1992. UAF's demands included the abolition of marital guardianship, the recognition of women's full maturity at the age of 21, the possibility of judicial divorce, and the abolition of polygamy (Eddouada 2001).

Latifa Jbabdi, the president of UAF, who vehemently denies having anything to do with Islamic feminism and calls herself a Muslim feminist instead, concedes that the organization searched the Qur'an for references to gender equality. This, Jbabdi says, added a Muslim dimension to UAF's struggle:

*We took the Islamic tenets of equality and social justice as a starting point and looked for their evidences in the Qur'an. The process of re-reading [the Qur'an; D.F.] took us more than two years, and we discovered a lot of verses that defend our values and principles. On this Qur'anic basis, we earned many sympathies for our concerns in the religiously inclined majority of Moroccan society. In the 1980s, we had missed out on communicating in the right language with the people. Today, we have found a way of communicating with the people about our project which they understand. Hence [we found; D.F.] the right code of communication (Jbabdi in Hackensberger 2006).*

Jbabdi's remark hints at a change of strategy within the UAF. Apparently, the UAF realized that a purely secularly grounded Family Law would probably be unacceptable for the majority of Moroccan society. As a consequence, they changed from using an overtly secular argumentation to one that reflected a stronger affinity to religious/Islamic principles. Errarhib<sup>23</sup> remarks that the UAF was forced to attend to religious sentiments – neglecting or even ignoring them would have rid the UAF (and with it the feminist movement) of any chance to reach their goal. The observation corresponds to the abovementioned findings of Nadjé Al-Ali (2000).

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23 Personal communication, Rabat, Oct. 23, 2008.

Henceforth, a feminist reinterpretation of the Qur'an started to earn support within the feminist movement. The procedure of *ijtihad*, or the independent interpretation of legal sources, was employed and women began looking for evidence in the scripture that the equality of all human beings was recognized. Latifa Jbabdi puts the development in a nutshell, stating that “[i]n the 80s, we failed to communicate with people in the right way. Today, we found a way to communicate with people about our project in a way they understand” (Jbabdi 2006).

Substantial support by many Moroccan women for this ideational shift notwithstanding, religious forces and Islamist groups picked up the topic of gender equality in general and the reform of the Family Code in particular. Their propaganda attacks became a major challenge for the Moroccan feminists and, in turn, the UAF and its supporters were portrayed as threatening the (God-given) social order. Nadia Yassine (2007), the leader of the women's section in the forbidden Islamist organization *Al-adl-wal-ihsan*<sup>24</sup> (Justice and Spirituality) and the daughter of its founder, Sheikh Abdessalam Yassine, blamed the feminists as infidels. Jbabdi interprets this move as a sign of uneasiness on the Islamists' side because it was the alleged “seculars” who had opened the process of *ijtihad*. Islamic fundamentalists argued that only religious scholars have the right to practice *ijtihad*, whereas the feminists claimed *ijtihad* to be each and every Muslim's right. In the battle of beliefs between feminists and Islamists (to put it into a black-and-white scheme), Muhammed al-Habib al-Tujkani, a professor of Islamic jurisprudence, imposed a *fatwa*<sup>25</sup> “condemning the ‘feminist’s’ campaign as an act of apostasy, which is punishable by death according to *Shari'a*” (Žvan 2007). On a practical level, the mosque preachers were called upon by the Ministry of Religious Endowments (*waqf*) to fight the abovementioned signature campaign for the reform of the Family Code. Henning (2005: 16) discerns a particular Islamist strategy by entering the public debate with a decidedly liberal human rights discourse that is meant to garner the support of people and politicians. They put themselves on par with the left-wing political opposition to the government, which has been suppressed for years. It is certainly not far-fetched to call this a strategy that was purely aimed at gaining political leverage (cf. Sabra 2004a).<sup>26</sup>

Hassan II closed this “public debate” by declaring that only he, being the “commander of the faithful” (*amir al-mu'minin*), could interpret Islamic law. In a public speech of August 20, 1992, he favored a lifting of the status of women in Moroccan society, albeit with caution: “We can neither forbid what God has permitted, nor permit what God has forbidden” (Hassan II, quoted in Mocket

24 The association is forbidden by the king, because it criticizes the monarchy's policies – an action which is still taboo in Morocco.

25 In the most neutral sense: a religious legal opinion issued by a competent scholar. However, *fatawa* (pl) are often understood as binding orders.

26 Sadiqi (2008: 330) describes how the feminist movement debunked the Islamists' strategy and came up with counter-strategies of their own.

2007: 300). He then called for proposals containing suggestions for a revision of the Family Code and nominated a male-only commission to review the incoming proposals. After this procedure, the draft was presented to various women's associations, which were asked to add their claims. In September 1993, Hassan II decreed a reformed Family Law by *dahir* (royal decree). However, the reform merely touched on some articles.

In the section on marriage, for instance, the reformed version of the law stated that women have to agree to a marriage, meaning they can no longer get married against their will. But except for orphans, women still need a male guardian (*wali*) to validate the marriage contract in their name. Polygamous marriages became restricted in that the husband needs to inform his first wife in case he wants to get married again (cf. Pittman 2007: 5). He is only allowed to marry more than one wife if he can treat all his wives equally. Repudiation is still allowed, but requires the permission of a judge. In the case of a divorce, the mother can get custody for her children when the father does not bring up any reasons against it (cf. Moket 2007: 303). The alterations confirmed more or less what should have been the norm anyway, for example, the consent of the first wife to a second marriage of her husband. From a feminist perspective, they could not be seen as a groundbreaking reform.

Although this reform was rather superficial and women remained under the supervision of male guardians, the feminists took it as proof that Islamic law could principally be reformed and that the *Moudawana* was, after all, neither a sacred nor an unalterable text (Pittman 2007). In the years to follow, numerous women's associations emerged, demanding gender equality and more substantial changes of the *Moudawana*.

## Fighting for the “real change”

Another public debate with huge outreach took place in 1998 when the first center-left government launched a Plan of Action for the Integration of Women in Development (PAIWD) in the wake of the Fourth Women's World Conference. A reform of the *Moudawana* was part of this action plan and it engendered a public debate that was more intensive than the one before. Fatima Sadiqi (2008: 332) recalls the situation:

*In 1998, the first socialist government took power in Morocco and in March 1999, Mohamed Said Saadi, the then Secretary of State for the Family, the Children and the Disabled, presented the “Plan d’Intégration des Femmes dans le Développement” (The Plan for Integrating Women in Development), also known as “The Plan.” Of the 214 points that this Plan contained, eight concerned changes in the Family Law, such as the abolition of polygamy; which immediately infuriated the Islamists who saw in “The Plan” an outside maneuver to destabilize Moroccan society.*

The Islamic Party for Justice and Development (PJD) and the Islamist organizations like *Al-adl-wal-ihsan* berated the plan as “a plot of US imperialism, aimed at destroying Morocco’s Islamic culture,” and a “document representing merely the interests of elite women” (Sabra 2004b). The problems women had to cope with were, according to Islamist views, rooted in the absence of morality in society. A proper application of *Shari’a* law could solve (all) problems – an opinion strongly reminiscent of the Islamist slogan “Islam is the solution.” The PJD criticized that the plan had been made without consulting religious scholars. Women’s associations, human rights associations, left-wing parties, unions, intellectuals, scientists, journalists, and liberal religious scientists disagreed, stressing that in Islam there is no mediator between the human being and God; each person can interpret the religious sources as they deem appropriate and in line with God’s word (Henning 2005: 17). Pointing out that religious scholars have no right to change laws, they highlighted the legislative prerogative of the king and the parliament. In July 1999, the reform advocates established country-wide networks and organized information campaigns and public discussion forums in order to garner support for “The Plan.”<sup>27</sup>

When Mohamed VI was enthroned in 1999, Morocco’s feminists hoped for more meaningful legislative changes. Mohamed announced that he would plead the women’s cause and support gender equality in all spheres of society. This sparked immediate protests among Islamists and conservative political parties. In November 1999, the PJD and the Association for Unity and Reform established the National Commission to Protect the Moroccan Family, which initiated a signature campaign against the reform. The situation became increasingly difficult with Islamists sabotaging activities of reform advocates and agitating against the reform and its activists during the Friday sermons in the mosques (Pittmann 2007: 7). In 2000, the UAF, together with other women’s rights networks and umbrella associations, organized a demonstration in the capital Rabat for a reform of the Family Code. The National Commission to Protect the Moroccan Family, together with *Al-adl-wal-ihsan* organized a counter demonstration with the general headline reading “Islam in Morocco is in danger. The reform of the Family Law is against our religion and dictated by the West” (Jbabdi 2006). As the public speaker of the organization, Nadia Yassine stressed that *Al-adl-wal-Ihsan* opposed a revision of the Personal Status Code because this had been imposed after the women’s conference in Beijing, hence following a (in her view) Western-dominated event (Kritianasen 2004). From an Islamic viewpoint, women’s rights can only be based on religious values. Her viewpoint and the activities of her organization indeed meet vast support in Moroccan society. This became obvious by the sheer numbers of participants in several of the Islamists’ counter demon-

27 Two in particular can be mentioned here, The Network of Support for PANFID (*Réseau d’appui au PANFID*) and The Front for the Integration of Women in Development (*Front pour l’intégration des femmes au Développement*). The PANFID network encompassed 200, and “The Front” more than 50 women’s rights, human rights, and development associations (Pittman 2007: 7).

strations. In each of those demonstrations, more than ten thousand people took to the streets (Pittman 2007: 7). The national media reported about these events for days, but then the public's interest began to fade.

In March 2001, Mohammed VI established another commission to work out proposals for a reform of the *Moudawana*. Advocates of a reform were pleased to note that this time, 3 of the 19 members of the commission were women.<sup>28</sup> In general, however, the work of the commission was not transparent and took a long time. On October 10, 2001, the women's movement's efforts were eventually officially recognized when Mohammed VI held a speech and announced the changes in the Family Code that had been decided upon.

## The new Moudawana

On January 3, 2004, the new Family Law was passed through parliament. The superior position of the husband in the family had been abolished. The wife's duty to obey her husband was abolished; instead the two spouses would share equal responsibility in their marriage. Women would not need a guardian to get married anymore and could marry without the consent of their fathers or brothers. The minimum age for marriage increased from age of 15 to 18 (18 being the minimum age for men and women alike). Polygamy was not abolished, but husbands who wished to marry a second wife (or more) must seek the permission of a judge (cf. Ebert 2005: 621). Polygamous marriages require particular justification plus the evidence that the husband has the financial means to treat all wives equally. Women do not have to tolerate polygamy if this move is ruled out in a marriage contract. Moreover, repudiation and divorce (consensual divorce, compensation divorce, and the impossibility of cohabitation) have to be handled by a judge (Sadiqi 2008: 336).

In the eyes of most Moroccan feminists, this reform of the Family Law is a laudable progress compared to the situation before. It does yet not reach far enough since it still contains articles that are disadvantageous for women. For example, polygamy remains only subject to restrictions, it has not been abolished. Women who remarry after a divorce still run the danger of losing custody of their children. Additionally, children of women married to foreigners are not automatically given Moroccan nationality. Last but not least, the regulations regarding inheritance still contain a gender gap because women inherit only half of the amount men do.

The absence of regulations in cases of extramarital sexual activities is the biggest weakness of the new Family Law, since such activities continue to be declared as forbidden by the religion of Islam (Gehrmann and Gilzmer 2008: 39). Pregnancies out of wedlock are morally condemned. Unmarried mothers are not entitled to receive alimony. Society treats such women with disrespect. Divorced

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28 They were women from highly respected professions (judge) and academics (cf. Pittman 2007: 8).

women, too, are not accepted by society. This moral condemnation explains why women's shelters are still a rare phenomenon in Morocco. *Oum el Banine* and *Tilia* are the names of the only two women's shelters in Agadir and Casablanca. They attend to unmarried women and girls who become pregnant out of wedlock as well as to victims of domestic violence.

## Conclusion

The new *Moudawana* is widely regarded as a major success of the Moroccan women's movement and a ruler who lent not only an ear, but more importantly, a supporting hand and voice to the demand for gender equality. Albeit with flaws, the reformed Family Law is a progressive piece in comparison to Muslim Family Laws in other Islamic countries. Women in Morocco enjoy an advanced status compared to most of their sisters in the Muslim world. The *Moudawana* of 2004 is indubitably a revolutionary document, but it should be added that to this day there is a wide gap between rights in theory and rights in practice. First and foremost, there are a number of problems concerning the implementation of the new law. Many judges do not apply the new legislation in all cases at all times because they are either not sufficiently trained in applying the revised provisions or they use loopholes in the law to allow for alternative or "morally appropriate" interpretations because they consider themselves as the gatekeepers of morality. Indeed, there is leverage on the side of the judges:

*The fear that the innovative mind of the new code could be contradicted by an out of step application of the judge by his power of interpretation becomes confirmed by the margin which the legislator had left him and, in consequence, by the risk that this margin allows for patriarchal conservatism being perpetuated and blocking the will of change expressed in the new code (Mouaqit 2008: 87).*

According to *Musawah*, Islamic judges in Morocco authorize up to 89 percent of applications for marriages of minors; of these minors seeking approval for marriage, 97.5 percent are girls.<sup>29</sup> Another problem is the illiteracy of around 60 percent (2008)<sup>30</sup> of adult Moroccan women. The majority of women are unable to read and to understand their new rights. This problem is more prominent in rural areas, where deeply entrenched traditions lead to girls not joining the school system. *Caravane civique* (Civic Caravan) is a project initiated by Fatima Mernissi, the internationally known Moroccan feminist, and Jamila Hassoune, a bookseller. They inform rural women about their rights and also help with

29 See [http://www.musawah.org/np\\_morocco.asp](http://www.musawah.org/np_morocco.asp) (accessed May 25, 2010). The biggest loophole lies in the fact that the section concerning exceptions to the minimum age of marriage for girls specifies neither an absolute minimum age nor exact conditions for underage marriages.

30 See <http://go.worldbank.org/RHEGN4QHU0> (accessed May 25, 2010).

medical care, as Sabra (2001: 100) describes. Several women's associations offer assistance regarding issues of domestic violence or divorce. At the end of the day, the application, implementation, and enforcement of the new *Moudawana* depends on the will of conservative, traditional judges, who have ample scope to interpret the law's provisions according to their own principles. Taking these contextual conditions into account, it can be concluded that, to this day, gender equality is not fully implemented and practiced in Moroccan society. Yet, the new Family Law can be seen as a catalyst toward reaching that goal because it gives women more rights than before.

The Moroccan women's movement had a great impact in the process of reforming the Family Law and can be seen as a core actor, initiator, mobilizer, and also compromiser. Moreover, it should be stressed that feminists could, for most of the time, only act under restricted political conditions. The process of liberalization was a key component of a newly emerging set of opportunities, in which NGOs could bring forward their demands to advance women's rights. The demands for reforms could only be pushed forward while Morocco was experiencing a liberal political climate. Yet, feminist demands concerning a reform of the Personal Status Code always depended on the decisions of the king. He is the head of the legislative and, at the same time, the commander of the faithful. Because of this, all reforms in the case of political or religious issues depend on him. In the two reform processes of the Family Code in Morocco, King Hassan II and Mohamed VI respectively decided on the extent to which the reforms would be debated in public. Both rulers were eager to bring a religiously based Family Law in accordance with achievements and requirements of a modern society.

The feminists used the climate of liberalization to gather in women's organizations and contribute to a public reform discourse. While this new climate enhanced the articulation and aggregation of feminist interests – accompanied by an increased proliferation of civil society women's organizations – the prominence of Islamic values as markers of an “authentic” Muslim identity did not stop at Morocco's borders. The second generation of Morocco's feminist movement attended to these developments. By the 1990s, the rhetoric of the movement became increasingly “religiously loaded,” hence bridging the gap between a secular understanding of rights and religious values that the majority of Morocco's society identifies with. In Sadiqi's (2006) words: “The women's movement in Morocco – which now bridges secular and religious communities – is setting an example of the power of social thought in a traditional society.” This successful example of a women's movement has an important impact for other national and transnational women's networks such as *Musawah*. With their shift from a secular to a combined secular-religious rhetoric and argumentation, the Moroccan feminists of the second generation began to adopt some significant features of today's Islamic feminists.



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# Women and Political Participation in the United Arab Emirates

This article examines the socio-political process that led to the awarding of political rights to women in the United Arab Emirates (UAE). It investigates the ways the Emirati state promoted the idea of female political participation, as well as the former's successes and pitfalls in stimulating both female Emiratis to be politically active and native society to accept it.

Looking into the matter of female political participation since its origins in the 1990s and subsequent developments, this article argues that, ultimately, the awarding of political rights for women should be understood as being profoundly embedded within larger political and national dynamics underlying the construction of the Emirati nation. In order to investigate this matter, it is necessary to analyze and interrogate the strategic formulations that have informed definitions of female political rights – a task that is to be pursued with the aid of the sociological method of examination denominated as framing, in the formulation proposed by the social movement theorists David A. Snow and Robert D. Benford.

The argument is structured into three parts: Part One introduces the framing approach, its theoretical underpinnings, and examination criteria, whereas Part Two consists in the application of the theoretical framework to the case at hand. This latter part forms the core of the analysis. It presents the changes to the situation of women in the past 30 years in terms of acquisition of education and pursuance of employment, which will be used as a backdrop to examine the state's ideational support of the issue of female political rights. Part III offers the conclusions.

This paper is based on the analysis of primary and secondary literature, as well as on fieldwork findings collected in a research stay in the UAE from January 2007 to May 2008. These were obtained through extensive interviewing with Emirati males and females engaged in women-related issues, as well as direct observations and informal conversations.

## Theoretical framework

According to Snow and Benford, “framing” refers to the strategic, interactional, and dynamic activity that occurs between the leaders of a social movement and

its target audience. More specifically, it is about the “signifying work” in which leaders of a movement engage, so as to display “relevant events and conditions” in ways that are intended “to mobilize potential adherents and constituents, to garner bystander support and to demobilize antagonists” (Snow and Benford 1988: 198). It is basically about how social movement leaders convince the target group(s) to mobilize and participate in the movement’s activities. So in this case, it can legitimately be asked what a social movement has to do with the research at hand, since here it is not about a social movement, but rather about the “convincing” strategies utilized by the UAE state to render the idea of female political participation palatable to Emirati society. Here, the analytical scope of the framing process expands from the movement to the nation, where a strategic actor (the Emirati state) attempts to convince a larger group of individuals (the Emirati population) to believe in and participate in something (Derichs 1999: 3; Derichs 2004). That means that the state tries to convince the population to see female political participation as a necessary and desirable engagement for society in general and to accept this.

Since the participation of women in politics implies more than a mere expansion of women’s rights but rather deep alterations to cultural constructions of femininity (like seeing women as being capable of becoming political leaders), the framing activity of the UAE state is here denominated as genderframing. Thus, genderframing refers to a dynamic and interactive process between the state and its population, through which meanings associated to women’s political engagement are symbolically reworked and presented in novel ways. The genderframing activity is conducted by looking for ideational elements within the cultural universe of the target group – values, beliefs, ideologies, and the like – that can present the idea of women politicians in ways that may lead to successful mobilization and participation (Noakes and Johnston 2005: 7; Snow and Benford 2005: 209). This strategic activity gives rise to the construction of a Genderframe, a collective framework of interpretation that provides the population with favorable guidelines with which to perceive and evaluate this idea.

For example, within the Emirati society of the 1970s, it was considered shameful and even unreligious to teach girls how to write. This was so because it was thought that if they learned that skill, they could then start illicit relationships and hence damage their honor as well as their family’s. The UAE state tried to bypass this problem by linking female education with motherhood and the Islamic religion. It was often stated how Prophet Muhammad valued education; and the immense benefits that an educated mother would bring about for the family were frequently depicted. The slogan “to educate a woman is to educate a family” gained wide currency as a consequence (Soffan 1980: 59). This is an example of the construction of a Genderframe; the state gave the population two culturally relevant lines of interpretation – religion and family – that stimulated the population in general to view female education favorably.

Based on the framing approach, as presented by Snow and Benford in their 2000 contribution, the genderframing analysis is made up of several examina-

tion criteria that are organized into two groups: the core framing tasks that the strategic actor (the UAE state) must perform in order to construct a Genderframe; and the resonance criteria used to evaluate it.

The first group includes the diagnostic genderframing that encompasses looking at the existing situation, and identifying problems and their causes. The second task is a prognostic genderframing that identifies the main lines for action, and finally the motivational genderframing that refers to the devising of rationales and incentives for action. In this case, it means convincing the population in general, and women in particular, that female political engagement is a necessary and praiseworthy activity.

Following the construction of the Genderframe, it is necessary to examine how resonant the latter is as regards the target group. This is the second group of examination criteria, which evaluate its credibility and salience. Credibility is investigated by means of three sub-factors: consistency, empirical credibility, and the credibility of the frame articulators.

Consistency refers to perceptions as regards the logical articulation of the Genderframe. It is about how the population perceives the whole ensemble of state actions as regards this topic to fit together coherently. Empirical credibility refers to the extent to which proposed solutions correspond to the ways the target audience sees the world. For example, does Emirati society see women as credible politicians in the aftermath of the awarding of political rights? The final criterion is the credibility of the frame articulators. The Genderframe has been promoted by the state (both federal and local), but the ruling families have been its most visible proponents. Indeed, due to the highly personalistic traits of Emirati leadership, distinctions between the state (federal and local) and the Emirate-level ruling families are difficult to draw. Therefore, and as a result of these blurred boundaries, policies tend to be popularly understood as deriving from the leadership's wishes.<sup>1</sup>

Salience refers to the significance the Emirati population attributes to the Genderframe as an explanatory device. It is also analyzed by means of three sub-criteria. The first is the centrality of the Genderframe, that is, the importance that those explanations bear on the lives of the target audience. The second is its experiential commensurability, that is, the perceived congruence of the Genderframe with the population's – and specifically the women's – everyday experience. The third is its narrative fidelity, that is, the extent to which the articulated Genderframe has cultural resonance with the populations' narratives, myths, and basic assumptions.

Even though these criteria do sometimes overlap, they are nevertheless quite useful in helping to think through the whole process surrounding the awarding of political rights to women. Moreover, since this approach is not culturally or topic-specific, it can be applied to other case study situations so as to highlight

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1 This insight also applies to other Gulf monarchies. On the relationship between the ruling families and the state in Arabia, see Herb 1999; personal interviews, UAE, 2007/08.

the range of political tasks, requirements, and challenges faced by the state in its general policy formulation strategy (see Derichs 2004: 24).

## The genderframing analysis

### Diagnostic genderframing

In order to examine the context that led to the awarding of political rights to women, it is first necessary to go back to the country's 1971 independence and to examine the beginnings of the state's gender policy.

The United Arab Emirates, previously known as Trucial States or Coastal Oman, emerged as an independent state upon the retreat of the United Kingdom from the Gulf region. It was fashioned out of the federal union of seven regions: Abu Dhabi, Dubai, Ras al-Khaimah (RAK), Ajman, Umm al-Qaywayn (UAQ), Sharjah, and Fujairah. These were desert, tribal, homogeneously Islamic regions whose environmental conditions only permitted a minimal subsistence living based on herding, fishing, and pearl-diving (Heard-Bey 1999: 18–26). The discovery and commercialization of oil resources and the political independence that accompanied it began to completely change this scenario. Being in possession of vast financial resources, the newly created state was able to cement its legitimacy by engaging in wide-ranging programs for economic development and social modernization. Infrastructure was built across the country, and free-of-cost services such as education, housing, and health services were offered to the population (El-Mallakh 1981: 64–73). The main objective of these welfare benefits was to encourage the tribal and nomadic population to sedentarize, change their lifestyles, and acquire habits and values that would allow for living in a modern state. By taking these steps, it was expected that the populations would eventually shift their loyalties from the tribe to the federal state, as the latter would be able to offer the promise of a better future. Within this overall context, the promotion of women's rights was particularly appealing for the government, both for international and for domestic reasons.

Beginning with the international situation, a calculation that the newly established state made was that the promotion of women's rights tended to be considered as a barometer of development, and as such it constituted a privileged path for respected statehood. For this reason, the participation of UAE women in international conferences and their official representation of the state would, according to the leadership, be a sign to other countries not only of the level of progress that the Emirati state had achieved, but also of its readiness to be part of the modern world. Sheikh Zayed al-Nahyan, who is widely considered as the architect of the Emirati state, claimed that "Women must represent the state in international women conferences to show others the level of prosperity attained by the state and to represent us and our society [in] a laudable manner, as well as our religion which has given women all their rights" (Emirati Network n.d.). The involvement of delegations of Emirati women in international conferences

began with their participation in 1975 with the first UN Conference for Women and has continued ever since (Soffan 1980: 99, fn. 16). Other reasons weighing in the promotion of women's rights were related to the favorable regional environment that existed at that time to do so. Gulf countries such as Bahrain and Kuwait had also established programmatic reforms for the improvement of the status of women, and stories about women's associations and women's movements were widely circulating in the area. The Emiratis considered these countries as generally more socially developed and as examples to emulate.<sup>2</sup>

At the domestic level, UAE women's role within the family was considered crucial to achieve the state's goals of modernization and shifting of the population's loyalties. As the educators of children and managers of the household, women could both instill loyalty toward the federal state in the new generations, but also implement new habits that would turn their kin away from a nomadic and tribal mindset and lifestyle, and into sedentarized living in a modern house – often accompanied by a job in the state apparatus. Furthermore, due to the small numerical pool of Emiratis and the large developmental needs of the economy, all human resources were considered necessary for the development of the country. Since native society was petite, that meant that both women and men would have to be educated and qualified so as to assure national survival.

But, for the federal state to reach women, however, it was necessary to break existing female patterns of seclusion and illiteracy. Accordingly, several centers and associations for women were established across the country to provide women with a friendly and safe environment in which to acquire education. Its aims were to increase women's awareness of the changing, increasingly modern world around them and of the new opportunities that had been made available. It was thus expected that by educating women, the status of their families would be raised and this, in turn, would strengthen society in general (ibid.: 85, 88). Focusing on these objectives, the UAE state made education in general – and female education in particular – a central vector of action. This commitment was expressed in the construction of schools across the country for both males and females and the provision of incentives. It distributed scholarships to all students, provided school supplies, clothing, and meals. It also set up scholarships for all those that wanted to study abroad. As a result, in the late 1980s, as a consequence of the UAE state's generous policies, the country was already able to boast of a small but significant number of extremely educated women and men. In fact, the first Emirati to obtain a PhD was a woman, Dr. Aisha al-Sayyar from Sharjah.

Since the UAE state had placed such a strong emphasis on the education of its population, it was only natural that the ones educated developed expectations as regards their rightful place in the decision-making apparatus of the state (Balfour-Paul 1986: 160, 166; Peterson 1989: 46). These expectations were further strengthened by the fact that their education differential vis-à-vis the rest

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2 Personal interview, Sharjah (UAE), Feb. 4, 2007.



of society was enormous. If, in the case of men, the issue had been of how the state would cope with demands for political participation – as until 2006 there were no formal mechanisms in place – in the case of women, it was more about whether traditional society could handle the personal and professional aspirations that educated women would certainly possess (Balfour-Paul 1986: 168–9). This became a crucial question, as the late 1980s and 90s were characterized by increasing numbers of women obtaining higher education degrees abroad (as educational options in the UAE were still limited) and returning home, looking to find jobs that matched their qualifications.<sup>3</sup>

These women felt confident that the education they had acquired would inevitably bring about social recognition of their skills and capabilities. However, contrary to their expectations, their qualifications were not universally valued and traditional conceptions associated with women – such as weakness and lack of knowledge – continued to be prevalent (al-Oraimi 2004: 308). As such, many women perceived local men’s reactions to their working as largely unsympathetic (Khatib 1994: 237).

This was so because employment constituted a significant departure from women’s exclusive roles of mother and wife. It was understood as potentially endangering family honor as it bore the risk of exposure to unrelated men. In addition, it was still perceived as an indication of low social status, as it was widely held that only economic need could drive females to public domain activities. Gender was thus an important factor in subjectively determining not only a person’s abilities but also the type of activities that he or she could perform in the work force (Moza Ghubash, cited in Khatib 1994: 224). Therefore, society’s perceptions of women as emotional and indecisive added particular strains to the efforts of those trying to pursue a career.

Armed with sheer tenacity and commitment, many women were able to climb the executive ladder and occupy high government positions, such as deans and ministry undersecretaries. Consequently, professional women soon started to question the reasons for their exclusion from political participation, and other senior positions, especially considering that they were already decision makers at the highest level in their respective jobs. They felt that they had proven on the ground – through their educational and professional achievements – that they were ready to engage in the political activities of the state. This perception was by no means universal among women, but for those who felt wrongly excluded from the political process, access to larger structures of political decision-making became their primary concern (al-Oraimi 2004: 45). This view was particularly predominant among highly educated women.

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3 Personal interview, Sharjah (UAE), Apr. 15, 2007.

## Prognostic genderframing

Given this general context, and the existing opposition to women's political engagement, how could the state advance this issue while minimizing opposition?

The main problem was traditional attitudes as regards women's capabilities and roles. In this sense, the fact that Emirati women themselves were steadfastly pursuing high degrees and attaining high positions such as undersecretaries, university professors, and the like offered an excellent justification for their political participation. Namely, that as their achievements, education, and professional advancements proved, women deserved it.

A further line for genderframing would be to appeal to national pride and argue along the lines of the achievements of the country in terms of modernization, promotion of meritocracy, and social justice.

In addition, from the point of view of the state, awarding political rights would be a continuation of its gender policy, and also a way to show the tolerance and progressiveness of the state, particularly in the wake of 9/11.

## Motivational genderframing

So, how did the state sponsor this idea? The engagement of members of the several ruling families was crucial. Among these, the most visible were Sheikh Zayed al-Nahyan, the previous ruler of Abu Dhabi and President of the Federation; and his favored wife, Sheikha Fatima bint Mubarak. They began the genderframing of women's political rights in the late 1990s.

They both referred to females' full right to participate in political life and decision-making as a "natural process having women excelled in all fields." In this sense, men and women were depicted as equal. In an interview with the Kuwaiti magazine *al Yaqdha* and quoted on the Emirati Network website, Sheikha Fatima was particularly emphatic in this regard. Unfortunately, the citations from the interview are undated:

*Zayed has supported women in their drive to fulfil their aspirations and has encouraged them in the same way he has encouraged men, without any discrimination. Therefore, I look into the future with optimism and believe that women are very likely to occupy certain ministerial posts because this is a natural process. Since the President of the State himself supports women, other officials are bound to follow his example.*

It is a big mistake to assume that politics is only for men in this age. Whether we like it or not, politics imposes itself on us. It is just impossible to stand on the sidewalk (...) just because we are women. Of course we are women, but we constitute half the society. In my view, the word woman is not synonymous

with a mat which is trod on by time without any response on her part (Emirati Network, n.d.).

The appointments did not materialize at this time, but references to the inevitability of seeing UAE women involved in politics were stepped up during the 2000s. Particularly in the aftermath of 9/11, Gulf countries were under increased international pressure to democratize, and the empowerment of women was considered to be an important part of that endeavor (Ottaway 2004: 1–14). In fact, the enhanced international scrutiny and the steps taken in other Gulf States to open political participation to women (such as the awarding of the right to vote to Kuwaiti women in 2005) ended up creating a favorable international environment to press this issue further within Emirati society (ECSSR 2004). Sheikha Fatima continued to highlight that female political participation was a right that was not forbidden by religion nor prevented by the constitution. The Sheikha supported her claim based on the maturity and readiness of UAE women to shoulder political responsibility, which she argued was evident in women's occupation of positions within several state ministries and establishments, in addition to their participation in international gatherings (Arabic News 2003).

As the above quotes show, the genderframing of women's political participation was based on three crucial elements: on the natural evolution of society as a modern and progressive state that respects and values women's rights; as a female individual entitlement; and as a natural consequence of the achievements accomplished by women.

The first clearly indicates an assertion of what the UAE as a country should be; more specifically, the valuing of an ethos of gender non-discrimination that comes across as a self-professed idea of Emirati nationhood. In this sense, a remarkable continuity in the UAE state's gender project can be observed. In the 1970s, as today, respect for women's rights is still domestically perceived as a path to internationally respected statehood and a means for domestic self-definition. Secondly, stating that women, as individuals, have rights is also a significant departure from traditional tribal understandings, wherein the individual was always part of a collective, more particularly so in the cases of women whose lives were defined by family obligations. Finally, it is also a recognition that UAE women have come a long way since the establishment of the country in 1971. That is, that in a mere 30 years they have come from a life of seclusion and illiteracy into higher education and public visibility.

The first ever Emirati elections announced on December 1, 2005, finally concretized the step announced nearly 10 years before. In December 2006 a vote would be held to elect half the Federal National Council (FNC) – a federal consultative assembly where only men had hitherto been seated and always by appointment. The remaining half would continue to be appointed by the rulers. So, the awarding of the right to vote and run for election was indeed extended to both sexes, but it was the first time it was signaled that women could, similarly to men, also be politicians (Arab News 2005).

## After the elections: Credibility and salience of the Genderframe

The voting took place over a period of four days, from December 16 to 20, during which the members from each Emirate cast their votes. Of the eligible citizens, 456 presented themselves as candidates, 65 of whom were women – more than anyone expected. Of these, only one was elected and eight others were nominated from across the UAE, bringing the total number of female MPs to nine.

So, the question is to what extent has the state's decade-long genderframing succeeded in creating positive attitudes toward women politicians?

Research conducted in the post-election context indicated that several segments of society (some Emiratis would even claim the majority) were seemingly unprepared for such a move.<sup>4</sup> Al-Dabbagh and Nusseibeh's findings also showed that among the candidates for the FNC, there was a general belief that society was not ready for women's political participation (lack of empirical commensurability). In fact, about 57 percent of women candidates (more than half) reported to have experienced negative, culturally based attitudes regarding their participation (al-Dabbagh and Nusseibeh 2009: 29–30, 35). Indeed, even with a 10-year period of genderframing, some felt that the state had not explained properly the necessity of women's inclusion in politics (diminished consistency). Such explanation indicates that the reasons presented by the government to award women political rights (such as arguments of female rights, natural evolution of society, and continuation of their achievements in society), did not find much resonance among the general population. Indeed, it ultimately shows that women's educational and professional accomplishments were not generally considered that great. In fact, support seemed to have been grudgingly conceded because women were already there. Indeed, even for supporters, they feared change was proceeding too fast for comfort, and dreaded an eventual backlash.<sup>5</sup> Therefore, in this sense, the Genderframe extension can be said to lack centrality, empirical credibility, and commensurability for various segments of the population. Female political participation was not only considered as unimportant, but also as lacking significant relevance to people's everyday lives. It should be reiterated that employment of women, despite improvements, remained controversial, and that politics – as a job that exacerbates those factors already understood as militating against women's work (such as exposure to unrelated men) – would be even more strongly opposed. Al-Dabbagh and Nusseibeh's survey among male candidates to the FNC is indicative of the general perceptions about women's candidacies. They saw women's involvement as a "test" that women had to pass in order to prove they were worthy of political participation. Multiple references were made to the premature nature of women's political participation and of the need for the latter to prove their abilities. They also stated that

<sup>4</sup> Author's informal conversations with several Emirati female citizens, UAE, 2008.

<sup>5</sup> Personal Interview, Dubai (UAE), Mar. 18, 2008.

whatever part women might play in politics was linked to their role within the family (ibid. : 30).

Female candidates' opinions, by contrast, pointed in completely different directions. They saw their participation not as a gift but as a natural result of having worked really hard throughout the years.<sup>6</sup> Women did see themselves as being perfectly qualified to take on this added responsibility, and they felt that female participation was clearly beneficial in terms of healthier work environments and better outcomes (ibid. ). The fact that 65 women ran is indicative of the importance that political engagement had for them, and in terms of stimulating female participation, the state's genderframing was particularly successful (centrality; empirical commensurability/credibility). The state also sought narrative fidelity, that is, some cultural resonance to women's political engagement, by connecting it with the country's self-professed philosophy of promotion of merit, which, it was argued, should assert itself over other subjective considerations (Gulf News 2007).

Given the above-depicted views, what is immediately apparent is a gender divide as regards women's capacities for and right to political work. In terms of the genderframing of political rights itself, it is tempting to suggest that the latter was unsuccessful and that it reflects an ill-choice of the "cultural materials" with which to fashion it. The choice of the aforementioned elements does seem to show both that the leadership itself had been influenced by international discussions on women's rights, and that those within society that had been advocating such changes did manage to successfully put their point across to the rulers. But the limited resonance and credibility of the "language of rights" to segments of UAE society does point to the deep-rootedness of traditional attitudes as regards the role of women, and of just how much of a complex undertaking it really is to change them.

It is also tempting to suggest that such results as regards the genderframing of political rights may point to fissures in the credibility of the Genderframe promoters: the Emirati state. Since there was palpable US pressure to democratize and empower women, some dismissed women's participation as caving in to international pressure and window-dressing (al-Dabbagh and Nusseibeh 2009: 23). If this accusation was deep-rooted, disenchantment with the process would have been apparent in the election turnout numbers. Namely, people would most likely not have participated in such high numbers if they considered the process to be a façade (Miller 1992: 434, 439–40). However, this was not the case, as existing figures indicate. Abu Dhabi had the lowest participation rate with 60 percent, but all the other Emirates boasted numbers within the ranges of 70 to 80 percent, with Fujairah ahead of all other Emirates in terms of political participation with 90.41 percent (al-Dabbagh and Nusseibeh 2009: 52). In addition to the credibility of the electoral process, these numbers also indicate that, despite

<sup>6</sup> Personal interviews with female members of the Federal National Council, UAE, 2008.

mixed attitudes as regards the participation of women, this was not perceived as compromising the overall legitimacy of the scrutiny.

## Conclusion

With the aid of the genderframing perspective, this paper has shown that the Emirati state's decade-long efforts to create positive attitudes toward women's political participation were only partially successful. Indeed, the portrayal of female political participation as an individual right and as a natural consequence of their achievements found roughly the same degree of resonance as arguments pertaining to the evolution of the UAE society as a progressive nation. What emerged from the results is a sort of gender divide (although this is by no means absolute) as regards the nature of the arguments presented. Whereas women in general found these ideas to be quite compelling, the same was not true as regards their fellow countrymen. Such divisions within society are indicative not only of the novelty that such a step represents (for perceptions of women's individual capabilities to enter the political fray are still somewhat negative), but also of the enormous work still ahead that is necessary to legitimate women's presence in the public domain as political players. Despite the mixed resonance that these arguments encountered, it is nevertheless apparent that, similarly to the promotion of female education and employment alluded to earlier in this contribution, the awarding of political rights to women also signals – both to the domestic constituency and to the international society – the gender-friendly character of the UAE nation.

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# Between Neo-patriarchy, Islamization, and Democratization: Gender Equality in Kuwait

*We are still a long way from the equality promised to women by the 1962 constitution. We want to see women judges and prosecutors, we want women to give their citizenship to their children, and we want women to have the right to state-provided houses.<sup>1</sup>*

With these words, Kuwaiti woman activist Aisha al-Rsheid welcomed the decision of the Kuwaiti Constitutional Court on October 21, 2009, to grant women in Kuwait the right to obtain a passport without a husband's approval. The Court stated that a woman's right to travel cannot be denied by anyone, including her husband, as traveling is a basic constitutional right. Also with reference to the constitution, after a long struggle, the Kuwaiti Parliament had introduced women's suffrage on May 16, 2005, with a result of 35 against 23 in favor of the new law. Since the declaration of the new Kuwaiti Constitution in 1997, there have been many changes in the country's political sphere, especially in the field of women's rights. Due to the fact that already from the first half of the 20th century women were granted access to education, quality health care, and employment, Kuwaiti women are nowadays able to attend universities and participate in the labor market. Kuwait has appointed the first woman university principal in the Arab world, the first female ambassador, the first Arab Muslim woman as a Permanent Representative and Head of Mission to the United Nations, and the first Arab woman in the delegation to the Organization of Arab Petroleum Exporting Countries (OAPEC). Besides having female members on many boards of directors, in various decision-making posts in governmental and nongovernmental institutes, and having many female directors of banks or other institutions, Kuwait also has a woman deputy minister. By 2009, four women had been elected to parliament. Even though Kuwaiti women still cannot pass on Kuwaiti

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<sup>1</sup> Aisha al-Rsheid, quoted in "Kuwait Grants Women Passports Without Spousal Nod," <http://www.emoiz.com/kuwait-grants-women-passports-without-spousal-nod> (accessed December 8, 2009).



nationality to their children if the father is a foreigner, these children have the same rights as Kuwaiti children, such as access to education and health care.<sup>2</sup>

It would seem as if women in Kuwait have nothing more to demand or complain about. However, finding women in the public sphere every now and then is not sufficient for the label of a gender-equal society. Furthermore, equal rights guaranteed by a constitution do not inevitably lead to equality in daily life. A patriarchal-informed tribalism is stronger now than before the Iraq War (El-Najjar 2000) – apart from the fact that patriarchy is generally still a major force hindering Arab women’s advancement (Sabbagh n.d.: 55). I will highlight this with some empirical accounts of Kuwaiti societal and political affairs below.

Most of the abovementioned women are either from royal, rich merchant, or economically powerful families. Their educational backgrounds are secular; they have studied abroad and many hold PhD degrees. These achievements notwithstanding, the status women have reached so far is permanently challenged and requires a balancing act. Gender politics became a prominent proxy issue for conflicts between legislators and the government during the 1992 parliament session (Tètreault 2005) – the first after Kuwait was liberated from Iraqi occupation. Gender issues are also evident in the bargaining for a reform of the (Islamic) Family Law. The debate on gender equality is caught in a bipolar setting of influencing factors, namely the constitution, which guarantees certain rights on the one hand, and a growing Islamic sentiment based on moral and identity arguments on the other hand. Legislation that guarantees current women’s rights stands against legislation that is based on conservative male interpretations of *shari’a* (Islamic law), entitling men to dominate women in the private and public sphere. This bipolar ideational setting, however, does not fully explain why 40 percent of Kuwaiti women did not vote for female candidates in the 2008 elections (Fadhil 2008: 68). There are other layers and currents of influencing factors underlying the formation of attitudes and opinions toward gender equality of both men and women.

This article will address some of the challenges and difficulties that women have faced and are still facing in Kuwait in order to achieve gender equality in all spheres of life. In order to understand the concerns of the women’s movement in Kuwait and the history of the Emirate’s women’s organizations, the emergence of the nation-state will be traced. The emergence of Kuwait as a sovereign nation heavily depended on the relations between the Emirate and external actors, particularly the United Kingdom and the United States. The creation of an independent state warranted the consent of the United Kingdom and the United States, that is, the protecting powers of the Emirate during much of the 19th and 20th centuries. The combination of external monitoring of Kuwait’s affairs and the local tradition of tribal, patriarchal politics became essential for the development of a particular gender ideology of this Gulf monarchy. As today’s Kuwait

<sup>2</sup> As reported in *El-Daar* newspaper, Tuesday May 20, 2010. For a critical account, see Ponticelli (2010).

claims to be a democratic regime, this proposition will be analyzed with regard to the principle of equality in the sense of a gender-equal society. I will argue that despite great achievements in the field of women's rights, especially in recent years, gender equality has not yet been achieved. The main obstacles regarding gender equality as part of a democratization process are to be found in the marginalization of women's organizations (Al-Moussawi 1993: 224) as well as in rising Islamization. The neo-patriarchal character of the society, which gained further significance when tribalism grew stronger and cemented traditional gender roles, complements this development.<sup>3</sup>

## The emergence of the nation-state

In the 17th century, Islamic nomads of the Utub tribe, coming from the Saudi Arabian region of Najd, settled down in the territory that is now known as Kuwait. Tribal, clan, and family loyalty was then the only guarantee for economic, social, and political survival. The status of women was better than in pre-Islamic times, when women were treated like material property and not as human beings. They were bought, sold, or inherited and newborn daughters were buried alive. There is no doubt that some women were respected because of their wealth and family roots but even then, they were living within male-dominated structures. Islam, which forbade killing girls and allowed women to inherit, brought about significant transformations to society in this regard (Mernissi 1996). The patriarchal ideas have, however, not changed substantially. Even under the Shia, with Aisha and Zeinab as female figures who played a significant role in shaping Islamic values, gender roles did not markedly change. Against the patriarchal background of a tribal society, the creation of the new state began without any consideration of women during the state-building process.

Kuwait's modern history has always been connected to the West, especially to Europe through its relationship with the United Kingdom. This is not to be compared to British domination in India, Egypt, or other occupied countries in the last centuries. On the contrary, the British-Kuwaiti relationship can be characterized as one of mutual interest. Kuwait was formally under Ottoman rule from the late 17th century to the late 19th century as part of the Iraqi Basra province. When the Al-Sabah dynasty came into power in 1756, the territory developed from being an important meeting point of caravans to becoming an increasingly independent Emirate, and was always the focal point of British and Turkish interests.

During the 19th century, Kuwait enjoyed British support when its borders and independence were threatened by various powerful Arabian Peninsula groups as well as by the Turks. In 1899, in an agreement between the ruler Sheikh

3 Findings of a series of interviews conducted by the author in Kuwait from April to May 2010 as part of the field research for the project "Transformation, Democratization and Islamization in Southeast Asia and the Middle East from a Gender Perspective," Philipps University of Marburg.

Mubarak Al Sabah “the Great” and the United Kingdom, the latter took charge of Kuwait’s foreign affairs. From the very beginning, the United Kingdom became a protector and was responsible for Kuwait’s security. After the defeat of the Ottoman Empire in World War I, Kuwait was declared an independent Emirate under British protection. Under Sheikh Ahmed al-Jabir Al Sabah (1921–50), the United Kingdom convinced the Emir to pursue a democratization path so as to solve the tensions with the wealthy and distinguished merchants who complained about not being involved in decision-making. Many women were in charge of the household for up to six months a year when their husbands went on trade tours or on pearl-diving expeditions, making the women solely responsible for their homes (Ghasoub 1992: 16). However, despite their significant position in social life, they were not integrated into the decision-making process in the political sphere. Patriarchal thinking of that time did not even allow for speaking out the name of girls and women in public as it was deemed shameful (El-Najjar 2000: 21), not to mention giving women the right to take part in public life.

To meet the merchants’ demands, 20 members of the most influential families were chosen to form the first legislative assembly in 1938, which became the blueprint for the post-independence lawmakers’ movement (Al-Nakib 2006: 164). On June 19, 1961, Kuwait became fully independent. Independence had been promised by the United Kingdom under the condition of having a parliament, a constitution, and holding elections (Salim 2007: 6). Yet, women’s franchise was not an issue. In the United Kingdom itself, it was not until 1928 that women gained the right to vote and gender issues were not deemed highly significant. Founding Kuwait as a sovereign nation-state at that time was rather a British attempt to strengthen the Arab Federation of 1958, which had been created by Jordan and Iraq as a counterforce against the United Arab Republic (UAR), a union consisting of Egypt, Syria, and Yemen. Although the UAR fell apart shortly after its creation in 1958, an independent Kuwait was regarded as an important wall that should limit any opportunity to spread Nasserist revolutionary ideas in the region (Salim 2007: 6).

By early 1961, the British had withdrawn their special court system, which handled the cases of foreign residents. Kuwait’s constitution went into effect in 1962 (Rizzo 2005: 15). It stipulated that regular elections take place (only for men) to form a parliament that could be (and was) dissolved whenever the Emir was not satisfied with its decisions. Thus, Kuwait remained an absolute monarchy. The constitution was formulated by men for men who had, one may allege, little interest in women’s political participation (cf. Al-Nakib 2006: 162).<sup>4</sup> Although two Egyptian jurists were among the writers of the Kuwaiti constitution and Egypt guaranteed women the right to vote, women’s suffrage was not installed. Ten years later, women’s organizations and political activists started protesting and demanding the right to vote (El-Najjar 2000: 44).

4 Al-Nakib leaves this open, arguing that the language of the constitution does not reveal such an inference (161 f.).

Some of the strongest external pressure with respect to women's rights issues in Kuwait came from the United States, which began to play an important role in Kuwait's politics. In 1951, it opened its embassy as one of the first foreign embassies in Kuwait (US Department of State 2010). Up until now, the United States ensures Kuwait's security, sovereignty, and its independence if necessary. In 1987, when 11 Kuwaiti tankers in the Persian Gulf were attacked by an Iranian aircraft, the United States implemented a maritime protection regime that ensured the freedom of navigation for Kuwaiti tankers by re-flagging them with US markings. Kuwait and the United States also signed an agreement on the war against terror. In 2005, this led Kuwaiti Security Service forces to engage in gun battles with local extremists, resulting in casualties on both sides in the first incident of that kind in Kuwait's history.

Creating a democratic image was important for Kuwait's status as a member of the Gulf Cooperation Council (GCC), in which it claims a leading role and of which it has been a founding member since 1981. The first cooperation agreement between the GCC and the EU was signed in 1986, which led to an exchange in activities between the GCC countries and the EU in the educational, economic, environmental, and security fields. Expanding and ensuring women's rights was part of the agreement. The partnership with the United States and the EU is important for Kuwait's development. Both partners have raised expectations among Kuwaiti citizens with respect to women's issues and human rights in general.

## **Need for democratization**

The Iraqi invasion of 1990 had a significant impact on Kuwaiti politics and social life. Organized by Iraq, a few anti-royalist Kuwaitis – under the leadership of Alaa Hussein Ali, a Kuwaiti-Iraqi politician with dual nationalities – started a coup against the monarchy and gave Iraq the opportunity to announce it was responding to rescue calls from a country under oppressive rule. Alaa Hussein Ali declared the resignation of the Emir and proclaimed the “Republic of Kuwait.” During the invasion, women were an active part in the resistance movement and they were forced to take more risks than men. Women went out to buy and sell since men were in danger of being taken as war prisoners or even shot.<sup>5</sup> Women mounted anti-occupation demonstrations. They transported weapons and leaflets as well as food. Women who were caught doing these things were tortured and killed, their bodies thrown in front of their families' houses (Tétreault 2005). It became clear to the Al-Sabah family, who was in exile in Saudi Arabia, that restoring their leadership would be possible only with the help of foreign powers. The world then witnessed an “unprecedented projection of power by the United States” (Hassan 1999: 3). In a US-led military operation between January 15 and February 27, 1991, Kuwait was freed and the Al-Sabah family was able to

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5 Personal communication, Kuwait, April 2010.

return. However, they then faced demands for political change from two sides: on one side, external actors such as the United States and their allies; on the other, the UN pressed for political liberalization. Pushing for political reforms was regarded as an important component of liberalization by Western powers, especially the United States, to avoid social tensions and strengthen domestic stability (Al-Ebraheem 1996). On the other hand, the Kuwaiti people did not want a restoration of the pre-war situation in which the parliament was dismissed and new elections were stalled. Instead, they called for democratic reforms and political participation. Their eventual success might be regarded as a product of crisis mobilization (Julia and Ridha 2001: 583). Meeting women's demands was also supported by the US government, which emphasized the significance of legitimacy with respect to their own efforts in Congress to remain involved in Kuwaiti matters. Attempts on the Kuwaiti side to improve the status of women by fulfilling conditions of the CEDAW<sup>6</sup> for instance, must be seen within the context of these external pressures in the wave of the Iraqi invasion.

Thus, the Al-Sabah family was forced to make tangible changes after the war in order to maintain its authority as well as to obtain international help for restoring the country. The Iraqi occupation forces set ablaze and damaged 749 of Kuwait's oil wells. All of these fires were extinguished within a year. Production was restored and refineries and facilities were modernized. By 1993, oil exports surpassed their pre-invasion levels, with production levels only constrained by OPEC quotas. At the same time, the ruling family was well-aware that it was time to make political changes. Previously, women had not been allowed to vote or to be elected. According to the newly restored constitution of 1997, Kuwait became a democratic constitutional monarchy: "The System of Government in Kuwait shall be democratic, under which sovereignty resides in the people, the source of all powers" (Parliament of Kuwait 1962: 1). While democracy may be formally present in Kuwait today, the political reality speaks a different language. Fundamentals of democratic regimes such as freedom of expression, voting rights for all citizens, political participation, or regular and fair elections are granted and there is no official censorship in newspapers, broadcasting, and on TV. Yet, the Emir holds considerable power, such as dissolving the parliament at any time. As Herb has shown, it is premature to expect elections alone to quickly lead to democracy in Arab monarchies, especially when the legislative body is weak compared to the authority of the monarch (Herb 2005: 170). Furthermore, while the opportunity for political participation is legally granted, low economic and social status pose serious obstacles to exercising one's rights; women in particular face further social restraints due to the patriarchal character of society, hindering them even more than men.

6 The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is an international agreement adopted by the UN General Assembly in 1979. It defines discrimination against women and sets up an agenda for national action to end it.

Thus, the process of democratization has yet to be completed. Although significant political change has taken place since 1991, it was mainly a slow liberalization process – modifying authoritarian rule without seriously changing power structures or society as, according to Schlumberger (2007), holds for all Arab regimes.

## Women in Kuwait

Kuwait has a diverse, multiethnic, and multicultural society. There are royal and merchant families who are used to life in urban areas, newcomers who moved to urban areas after the oil boom (the post-Bedouinism phenomenon according to El-Najjar), and tribal groups with a rather traditional way of living (El-Najjar 2008; Fadhl 2008; Rizzo 2005). Nearly 50 percent of the population – 1.3 million – are foreigners, mostly from other Arab countries or Southeast Asia. Kuwait has one of the highest population growth rates (3.55 percent) and net migration rates (16.02 migrants/per 1,000 residents) in the world. Only 39.5 percent of the population are women. This is due to the fact that most migrants who come to work in Kuwait are men. There are twice as many males in the age group of 15–40 than females (CIA 2010). After the discovery of oil in the early 1930s, women gained access to education but only limited access to the labor market. The first girls' school in Kuwait was opened in 1927 but it was attended only by girls from the royal and merchant families. By 1943, girls' schools had been built all over the country. The number of educated women permanently grew, although among the Bedouin tribes, girls were still excluded from education. With time, more and more families, especially Kuwaiti families, moved to urban areas. As a result of the efforts of women's organizations and the royal family, the literacy rate of women in Kuwait is today as high as 91 percent (US Department of State 2010). When compared to other Arab countries in which women gained substantial political rights much earlier but still have a high illiteracy rate, such as in the case of Egypt, the significance of women's education in Kuwait throughout the last century becomes evident.

The status of women in Kuwaiti society depends on their social background, despite a Personal Status Law that has codified the rights and duties of female Kuwaiti nationals since 1984 (Fadhl 2008).<sup>7</sup> Gender equality is not a benchmark of this law, since women are attributed the role of mere followers of men (*ibid.*: 30). Mobility and general opportunities may differ considerably. Belonging to a notable family of high reputation, for instance, may lead to much more open access to any social field than being part of a poor tribal community. Kuwait is one of the richest countries of the world, with a rapid economic and demographic development. But with no modernization model of its own, since modernization and democratization are imported models (El-Najjar 2008: 55), and with a traditional way of thinking, women in Kuwait still need to struggle for gender equality.

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7 See also: <http://www.law.emory.edu/ifl/legal/kuwait.htm> (accessed May 24, 2010).

With respect to their social and economic affiliation, their attitudes, as well as the range of their activities, Kuwaiti women may be grouped into four main ideal-typical categories:

**“Elite Women”** are well-educated (mostly abroad) females of Sunni or Shia background living in urban areas. They occupy leading positions, engage in lobbying activities with regard to women’s issues, and do not generally feel affected by inequality. They oscillate between Kuwaiti and Western lifestyles or attitudes. Motivated to modernize their country by improving women’s and human rights in general, they are concerned with Kuwait’s international standing. Their goal is to achieve the same rights for Kuwaiti women that women in Western countries enjoy. Furthermore, through their close ties with important male figures, they have access to the political elite and may push for reforms directly, taking advantage of the government’s willingness to satisfy demands by external actors such as the United States and the European Union.

**“Urban Women”** are well-educated females of Sunni background who live in urban areas. They mostly work in the public sector, sometimes also in the private sector. They make their voices heard in the public sphere by writing for newspapers, volunteering in women’s organizations, planning national and international seminars or conferences, and setting up websites or Internet blogs. They have been heavily influenced by the Iraqi invasion and aim at changing legislation as well as society. While Elite Women make use of their social connections, Urban Women contribute to the issue of gender equality and the elimination of women’s discrimination through their daily work in the public realm.

**“Newly Urbanized Women”** moved from the rural to the urban area after the discovery of oil. Most of them are Sunnis. However, there are also Shiites among them. These educated, conservative women support a traditional gender role. Their tribal background constitutes their belief that their security depends on men and that they need male protection. While they also strive to improve their personal lives, they lack any political or strategic planning. Political participation among this group is almost entirely limited to casting a ballot. Depending on their mobility and their personal needs, their voting behavior is generally inconsistent. Their interest in political matters is largely limited to solving personal day-to-day issues with no overriding agenda.

**“Suburban Women”** are less educated tribal Sunni but mainly Shiite women who live in the urban outskirts. The tribal Sunnis are mostly conservative (mainly Salafi<sup>8</sup>). The Shiites belong to different schools of Shia. Despite their religious diversity, they stick together in order to keep their faith alive in a country that does not practice Islam the way they believe in. They are hardly interested in politics as they regard the public sphere as a man’s domain. They may take part in elections; their voting behavior, however, is linked to their loyalty toward

8 Salafi is a conservative Sunni movement of tribal background with a strict interpretation of the Qur’an. For further information, see Kepel (2002) or The Salafi Da’wah (n.d.).

the social group they belong to. Faith and female chastity are among their core values.

These four types of women are situated in a neo-patriarchal social framework. Sharabi (1988: 4) defines neo-patriarchy as a system of political control through tribal-based patronage networks that preserve and maintain hierarchal relations of loyalty. It is based on male domination that “assign[s] privilege and power to the male at the expense of the female, keeping the latter under crippling legal and social constraints” (ibid.: 33). According to Sharabi, neo-patriarchy arose in a hybrid social class that modernized but without its own independent capitalist economic base. Kuwait matches this characterization. It became a rentier state and a welfare state in the early 1940s. Ninety percent of today’s labor force is state-employed. About 30 percent of the labor force consists of women, and they work as employees in female-dominated public sector jobs (Rizzo 2005). Leadership positions and management jobs are reserved for men, and only few professional slots can be occupied by women, who usually belong to the group of Elite Women. Women’s financial dependency on their husbands or male family members does not give them the opportunity to emancipate themselves economically and to gain equal rights in society. The implementation and enforcement of the rights and the access to positions in public institutions that women systematically gained in the last decades show the positive influence of international agreements (Fadhl 2008: 81). However, the results are still not fully reflected in the daily life of women (El-Najjar 2008: 192). Suburban Women in particular are not part of a political process that would allow them to enter professional careers or escape the patriarchal boundaries of family life. They occupy low-post jobs or often do not even work at all (Result of Field Research 2010).

The history of political participation of women in Kuwait is still very young. Support, endurance, and persistence are needed for further improvement in gender-related matters. However, this cannot be done without broad social support. Based on the series of interviews I have conducted with various representatives of women’s organizations in April and May 2010, this is one of the biggest challenges advocates of women’s rights face today. They need and have to reach women from all four categories and convince them to participate in women’s organizations or political and civil society institutions.

## **History of women’s organizations in Kuwait**

The development of women’s organizations commenced with the creation of the nation-state. Rizzo (2005) classifies the organizations into two types: service organizations, with the main purpose of extending welfare; and professional organizations, trying to obtain equity for women within the labor market and society. Service organizations are mostly founded by middle class and Elite Women who want to help disadvantaged women through charity activities. The



first organization was the AWDS,<sup>9</sup> founded in 1962 (Fadhl 2008: 21). Starting with the rise of pan-Islamic movements, the WCSS<sup>10</sup> was established in 1963 (ibid.). Although gender equality and political participation was in demand, the traditional notions of patriarchal thinking pervaded those organizations (Al-Mousawi 1993: 224). In 1975, especially after the Iranian Revolution in 1979, a new type of religious service organization developed that aimed at helping people while at the same time disseminating their Islamic beliefs (El-Najjar 2007: 60). The Islamic Heritage Service (founded in 1981), the Alaamal Group (founded in 1973) and Bayader Al-Salam (founded in 1981) (El-Najjar 2008:173) were the most famous examples of organizations working from a strong Islamic foundation. Most of their members were educated, conservative Islamic thinkers using Islamic rhetoric. They belonged to different religious committees within these organizations and engaged in grassroots activities. They enjoyed high popularity among women (ibid.).

Other organizations like the Kuwaiti Women's Voluntary Society for Community Service (established in 1991) or the Islamic Care Society (founded in 1982) were comparatively moderate and paid more attention to community services for women while remaining Elite Women (ibid.).

When Kuwait had gained its independence and the first parliament was about to be elected, a revolutionary flavor that had spread among and women was expressed in public demonstrations, where women burned their *abbayas* (black wrap) as a symbolic act to point out their exclusion from society (Badran 1995). They had also removed their veils the year before as to make a statement of emancipation according to Nasser's Egyptian way, which was highly popular in the Arab world at that time. In 1974, they founded the *Al-Fatat Club* (The Girl Club). The influence of the 1975 Egyptian-Israeli War – which is perceived in the Arab world as a political victory for Egypt – led to the rise of nationalism and national pride. Women shared a new national (Arab) sentiment and called for their “Allah-given rights.” But the voices of the women were weak and their efforts were not serious (Al-Sedani 1983: 94).

Until 1981, the relevant political women's organizations were secularly and not religiously oriented (El-Najjar 2008: 172). After the Iranian Revolution and the increase of radical Islamization in the Arab world, the climate changed, especially among the Shia minorities in Kuwait (El-Najjar 2007: 60). In 1971, at a conference on women's electoral franchise, 100 female activists asked the parliament to consider women's political rights. Ten years later, 1,000 women signed a petition that supported the parliament's refusal to give women the right to vote. This reflects the rising influence of conservative Islamic thought among women (Fadhl 2008: 62). After the Iraq invasion, many women organizations (service organizations) helped the families of war prisoners and single mothers. In 1991,

<sup>9</sup> The Arab Women's Development Society puts a focus on educating Bedouin women.

<sup>10</sup> With regards to the Women's Cultural and Social Society, most of its members were women from families of a prestigious tribal background originating in Saudi Arabia.

the First Lady headed the most important organization, namely the Kuwaiti Women's Voluntary Society for Community Service, and other organizations were encouraged to disband and to become part of the First Lady's umbrella organization (Al-Mughni1996).

In the last decade (2000–10), women's organizations have increasingly come under control of the law. Civil society organizations nowadays have to apply for a license to be formally acknowledged and are not allowed to receive foreign financial support without permission of the Ministry of Social Affairs and Labour. Most of the women's organizations are headed by women of the royal family, pro-government women activists, or the First Lady herself. They are comprised of Sunni or secular Shia members. The Shia organizations are different because, as a minority, they have the right to cultivate their own way of faith. The Shia service organizations are religiously oriented and have become widely popular among students, young adults, and women in general since the 1980s. However, they work mostly informally and without government approval. Through their work, they help Shia candidates who run for a seat in the National Assembly (parliament) (El-Damanhory 2009).<sup>11</sup> The majority of the organizations' members belong to type three (Newly Urbanized Women) and four (Suburban Women) of the abovementioned classifications.

Even though women's organizations are mostly under governmental control, they are always working in accordance with the CEDAW convention, seeking to strengthen the position of women in Kuwaiti society. One of their successful activities is *Norak Qanonak* (Your Law is Your Light), a media campaign in which Freedom House<sup>12</sup> and *Elgam'eya Elthaqafeya Elnesa'eya* (Women's Cultural Organization) cooperate. This campaign aims at changing Kuwait's Family Law, which discriminates against women, and is concerned with the abuse of women. Many women's service organizations traditionally adhere to Islamic values, as Rizzo's research has shown (2005). Members of organizations considering Islamic values as the basis of any societal order have supported calls to install *shari'a* (Islamic law) as the source of all legislation. Due to the world financial crisis, this call was relegated to second rank and (allegedly) more urgent issues such as educational performance, housing problems, or coping with loans gained priority in the parliamentary debate. Members of parliament as well as voters did not want to attempt a change of the constitution at a time of (primarily economic) crisis. After all, it had taken more than four years of negotiations and compromises in the national assembly to give way to the implementation of the constitution of 1997. In this process, some modifications had been made to facilitate the implementation of the CEDAW convention, particularly with regard to

11 In the 2009 election, Islamists lost 42 percent of their former seats. Shiites, tribal interest holders, pro-government candidates, and women, for the first time in Kuwait's history, were among the winners.

12 Freedom House is an international NGO that has been evaluating countries' democratic performances since the 1970s. See <http://www.freedomhouse.org> (accessed May 24, 2010).

equal opportunities for men and women.<sup>13</sup> If the constitution were changed on the basis of the *shari'a*, the rights that have been gained in light of CEDAW and gender equality run the danger of being lost again. Religious conservatives seek to restore the traditional male-dominated society. They even go so far as to claim that international organizations are propagating and using new gender roles as a modern form of crusade against Islamic Arabic values and identity (El-Najjar 2008).

## Women in politics

Until 2005, women were largely excluded from Kuwaiti politics. Kuwait acceded to CEDAW in 1994,<sup>14</sup> which obliged the country to give women a part in the political decision-making process. The first step was made then in 1997 by changing the constitution. Two years later, in 1999, the Emir acknowledged a decree to give women the right to vote. It was only in 2003 that parliament took the vote on this bill, but even by this time it failed to pass through parliament. Conservative Islamic and tribal blocs in the national assembly had stopped the Emir's and women activists' efforts. The women activists had reason to be optimistic about their suffrage when – in 2002 in the neighboring country Bahrain – women gained a voting right. Most Kuwaiti women activists were convinced that their time had finally come (Tétreault 2005). Six years after the Emir's decree for women's suffrage, the parliament eventually approved it. Four years after, four women were elected to parliament. Emir Ahmad Al-Sabah appointed Maasouma El-Moubarak<sup>15</sup> as Minister of Health, the first female minister in Kuwait ever, to give a sign that equal participation by women is taken seriously in Kuwait. The decision to appoint her, a Shia woman, as the first female minister was also a concession to the Shia minority. The Emir needed support against an increasing Islamization (*Salafi*) influence in parliament. He also wanted to encourage further participation of the Shiite religious minority.

Despite women's suffrage, no women were elected in the 2006 and 2008 elections. Only in 2009, four women were elected into the assembly.<sup>16</sup> Women's organizations considered having women in 8 percent of the parliamentary seats as a great victory for the government and for themselves. However, the fact that 60 percent of the female voters did not vote for any female candidate showed that even after this "victory," women activists still have a long journey ahead of them. In comparison with other Arabic countries with a long history of female suffrage,

13 On adoptions, ratifications, and reservations by individual signatory countries of CEDAW, see [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-8-&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8-&chapter=4&lang=en) (accessed May 24, 2010).

14 *ibid.*

15 El-Moubarak is professor of political science and gained her PhD degree in the United States. She was elected as one of the first female parliamentarians in 2009.

16 For international media coverage of this event, see Tréteault 2009; Worth 2009; BBC News 2009.

such as Egypt, Lebanon, or Iraq, it shows that the participation of women in Kuwaiti elections has remained marginal. This is a result of a longstanding anti-woman atmosphere, which has particularly intensified in the last 15 years by the Islamic blocs, the conservative bloc, and tribal interest holders in parliament. A member of parliament from the Islamic bloc raised a case against Rola Dashti and Aseel El-Awady, two of the four elected female parliamentarians, for having violated the election law because they did not wear a veil. This law had only gone into effect after the parliament had approved women's suffrage and included the requirement of "Islamic dress." On October 28, 2009, the Constitutional Court gave women in parliament the right to abstain from wearing the veil and to dress as they wish as long they do not violate a sense of propriety (Emmanuel 2010). During the 2009 election campaign, the Islamists also launched a *fatwa* by a Salafi cleric saying it was a sin for a woman to run for election and a sin for anyone to vote for a woman (Abdullah 2009).

The temporary Parliament Committee for Women's Affairs (*Lagnet Shoun El-Mar'a*), initiated by the four female members of parliament, has gained some success in changing legislation. One of the achievements was the right of Kuwaiti women who have children with foreign men to have access to free education and medical care.

For the Islamist parliamentarians, religion is the main source of identity; this is articulated in particular by the Hadas Bloc.<sup>17</sup> Even the majority of the independent candidates identify themselves as Islamic independent candidates (*Islamy Mosta'el*). Political parties are not allowed in Kuwait, hence members with common interests must form "blocs" in order to aggregate their interests. Nevertheless, their influence on legislation is almost nil, for the real power is in the hand of ministers and the Emir (cf. Herb 2005). Any legislation has to be signed by the Emir and he may dissolve the parliament at will.<sup>18</sup> Women's issues are always a good topic for creating controversy and media spectacle. In such cases, the media reacts predictably and is usually pro-government. Because of the media reaction, or overreaction, those persons from the conservative Islamic blocs and tribal interest holders can attract attention. In this way, concessions from the government can be extorted. On the other hand, these blocs are genuinely concerned about the influence of women, for they mistrust them and believe that powerful women may corrupt societal values. The following example is quite revealing in this regard:

*Nuryia al-Subeih was appointed minister of education and higher studies, and in May 2008, Modhi al-Homoud was appointed minister for housing and administrative planning. Neither woman wore the hijab when they were sworn in to the new cabinet, and nine Islamist parliamentarians*

17 Hadas is a political bloc that consists of the Ekhwan El-Moslemeen (Muslim Brothers), Salafis, and some other conservative-Islamic parliamentarians.

18 The Emir has dissolved the parliament in 1999, 2003, 2006, 2008, and 2009.

walked out to protest this perceived violation of the Shari'a dress code (Al-Mughni 2010).<sup>19</sup>

The Sabah dynasty, which was and still is the most powerful element in parliament, faces increasing influence from the Islamic blocs in parliament and society at large. This influence had been recognized earlier and used in the late 1970s by Emir Ahmad al-Jabir Al Sabah (1977–2006), who applied religious rhetoric and used religious allies to amplify his legitimacy. The Emir and the government are also trying to reduce the influence of tribalism on politics, economy, and society as the tribal blocs are winning enough seats in parliament in every election to hold the majority (Stoda 2008). After the Iranian Revolution and re-Islamization in the whole Arab region, Islamic political blocs began to feel legitimized enough to dictate political direction according to their own agenda, particularly since they were supported by the electorate (especially the Shia minority). This intractable situation, beyond patriarchal mentality, is the cause of much difficulty for women in Kuwait today. The Sunni-Shia divide is, however, not a major social cleavage when it comes to the issue of gender equality, as the subsequent paragraph will show.

### The Sunni-Shia question

The majority of Kuwaiti Muslims are Sunni (CIA 2010). The Shia part is comprised of two currents: The first group are Kuwaitis who have been living in the country since the nineteenth century. They were merchants and have been living in urban areas for many generations (El-Midiras 1999). Most of them are secularly oriented. The second group came from Iran after the discovery of oil and later after the Iranian Revolution. Parts of the newly arrived Shiites were also Palestinians, Lebanese, or Iraqis who fled wars and were attracted by the employment opportunities in Kuwait. People from this second Shia group were able to receive support from *Husseiniat* (Shia mosques) and schools of Qur'an (El-Midiras 1999). Shia Women's Cultural and Social Society ("The Society") – the main Shia women's organization, informally existing since 1971 – became politicized and started to provide religious, educational, and social activities in the Shia community. The Society was used as an instrument for political mobilization, mainly to support Shia candidates in the elections. It was dissolved in 1987 by the government but women continued their activities in *Husseiniat* and religious meetings or in the *Ma'tam*.<sup>20</sup> The Shia as a minority has always been politically active and very well organized. After the dissolution of the parliament in 1975, one of the famous Shia mosques (*Jame'a Schaaban*) became a base for demon-

19 See also Elias (2008).

20 The tradition is still common in the gatherings held for Imam Hussain in the Shiite world. In Shia Islam, it is imperative to end these gatherings by weeping for Al-Hussain. Female Shiites in particular meet in a house or *Husseineya* and read the Qur'an, teaching new girls what religion is. It is an opportunity for socializing.

strations in favor of democratization and the election of a new parliament. For the following six years and until the Iraqi invasion, some members of parliament met there regularly and discussed political issues (ibid.). However, in all those debates, the issue of women's suffrage was either ignored or rejected. The Shia used to be close to the royal family, especially after the Iraqi Invasion. There are many political Shia groups but none of them have ever issued a *fatwa* against women's suffrage or rights. On the contrary, they encourage women to take part in elections (El-Najjar 2007: 185).

The relationship between Sunni and Shia changed after the Iraqi invasion; the Shia groups showed loyalty to Kuwait and helped in rebuilding it. At the same time, some Kuwaiti Sunni groups and the Palestinian minority in Kuwait supported the Iraqi invasion. This led to suspicion on the side of the ruling family and the fear of a link of those people to al-Qaeda. The close link between the Sunni Salafis and the tribal blocs in parliament, who are among the strongest opponents of the royal family and their political agenda, further strengthens these concerns (ibid.: 28). In addition, the United States continues to warn against any Salafi and Muslim brotherhood (notably financial) activities (ibid.: 203). Thus, the government makes efforts to convince Shia communities, particularly in parliament, that they are integrated in the political system and at no substantial risk (Walker 2006). The Sunni in Kuwait mostly belong to *El-Mazhab El Maliky* (a school of Islamic jurisprudence or *fiqh*).<sup>21</sup> The Shiites belong to different schools, most of them to the *Ja'fari*<sup>22</sup> school of *fiqh*. In both schools, a conservative, fundamentalist interpretation of Islam dominates. This way of thought is very similar to that of the Sunnites with tribal backgrounds who live in the country's urban outskirts. Female members of these groups belong to the third (Newly Urbanized) and the fourth (Suburban) types of women in the classification.

## Conclusions

It is common in a patriarchal society to ignore the centrality of gender roles. This holds true for those in power as well as those in the opposition. Gender issues have been ignored by leading politicians in Kuwait for a long time. Only slowly after the second Gulf War did they gain more prominence due to international pressure, primarily on the part of the United States. In the aftermath of the Iraqi invasion, in which Western actors had supported and protected Kuwait, external

21 El Maliky is the second Islamic Sunni *madhhab* and is the official *madhhab* in Kuwait.

22 J'afari is the school of jurisprudence of Shia Muslims, derived from the name of Jaafar al-Sadiq, the sixth Shia Imam. There have been different *fatwas* (legal statements) regarding the acceptance of Jaafari as a Muslim *madhhab* by Sunni religious bodies including the Al-Azhar in Cairo (the chief center of Arabic literature and Sunni Islamic learning in the world). The Shia, in contrast to the Sunni, do not take the statements of the Prophet Muhammad (*Ahadith*) into consideration, which leads to different interpretations of Islamic law.

demands to democratize grew. A liberated country based on absolute monarchy was no longer justifiable for the US congress to support and to protect. Kuwait was expected to introduce democratic reforms and enhance political participation of all citizens, including women. Creating gender equality had to be an indispensable part of any such democratization process. The adoption of the issue of gender equality into the political agenda in Kuwait is thus to be seen as a result of external interference. In light of the deeply rooted patriarchal history in Kuwait, it comes as no surprise that women had – and still have – a long road to walk before realizing actual gender equality. Also, men need to get used to seeing women in the public sphere. As democratization has been an externally introduced concept in Kuwait, it often leads to general mistrust in the public. For Islamists and conservatives, gender equality is a Western construction that threatens their own values.

While Kuwait managed to develop a formally democratic system with institutions such as the parliament, the constitution, or fair and free elections on a regular basis – in which even women have been able to participate since 2005 – the political framework can at best be described as a polyarchy. Looking solely at the Kuwaiti constitution as well as its laws and institutions could give the impression that gender equality has been achieved. Talking to women on the street or hearing reports of the women’s organizations that serve widows, divorcées, single mothers, and unmarried women, however, reveals another perspective. The reason why women’s service organizations of Newly Urban and Suburban women do not believe in gender equality and in changing the law may derive from their experiences in daily life, in which they suffer from financial and social burdens. For instance, to this day, only men are allowed to pass on their nationality to their children and foreign wives. Kuwait is in a transitory stage in which further political liberalization may eventually lead to a fully democratic regime. However, given the obstacles that Kuwait – and Kuwaiti women in particular – faces today, such a process will take a very long time.

One such obstacle is the neo-patriarchal structure of society, which impedes any real chance of achieving gender equality. Aside from the common patriarchal and tribal background in Kuwait, the situation of women who live in different social spheres with different opportunities creates different types of women, as mentioned above. The four main groups of women in Kuwaiti society, introduced here as ideal-typical categories, differ in their possible range of activities and potential access to the labor market or the political arena. Some privileged women from wealthy families with higher education and degrees from abroad are able to occupy high posts. Nevertheless, higher positions in the labor market still remain a man’s domain. Even if men and women are equal before the law, in everyday life women are still discriminated against. Furthermore, especially Newly Urban and Suburban women support the patriarchal notion of gender roles, which they do not generally question. Thus, women themselves become an obstacle in reaching gender equity. There is no doubt that women have done a lot to gain more rights. However, substantial positive changes with respect to

women's issues throughout the years were almost entirely top-down processes that mainly affected Elite and Urban women but hardly reached Newly Urbanized or Suburban women. Women activists and advocates of modernization still have a long way to go in order to win the support of *all* women in Kuwait's society. Despite the differences between women's organizations, they need to cooperate if they want their rights to be secured and further achievements to be made. As Derichs (2009: 35–7) has pointed out, if women want to bring about changes in the society, alliances and connections among themselves is of great importance. Since approximately 65 percent of the Kuwaitis are Bedouins who now live in the urban areas, but still stick to a tribal patriarchal way of thinking, it is difficult for women activists to reach out to them. However, the fact that more women are taking initiative on their own to find their place in the labor market is an encouraging tendency.

Another major challenge is posed by Islamic blocs and their influence in parliament and society. To them, the veiled and “visibly pious” women signify righteousness and honor while at the same time supporting the patriarchal model of society that assures male dominance.

Giving the tribal social structure of Kuwait, Islamists generally enjoy strong support when propagating traditional values. A patriarchal mentality is still widespread, not only among men. Patriarchal thinking divides society into two spheres: a public and a private realm. The public realm is the domain of men and political participation is a part of it. Women should remain in the private sphere, unless they are escorted by men.

Conservative tendencies must also be seen in the light of a general trend of Islamization and anti-Westernism in the Middle Eastern region. The proximity of Shia-dominated Iran, with its religiously legitimized political system, further raises the fear among members of the royal family about domestic Islamist forces that – allegedly backed by the Islamic Republic of Iran – could eventually feel tempted to take over the Emirate. With regard to the question of gender equality, there is no actual Sunni-Shia cleavage dividing Kuwait's citizens. Male proponents of both religious currents principally share the common belief that women should be confined to the private sphere. Gender inequality is thus less a matter of a specific religious discourse in Kuwait, but rather a problem along the lines of social stratification, and heavily influenced by patriarchal thinking.

On balance, the democratization process in Kuwait implies that gender equality is a necessary condition for any credible democratic regime. Achievements of recent years notwithstanding, the credibility of the commitment to the goal of gender equality is currently constrained by an unofficial alliance between Islamists, tribal leaders and conservative women. My perception is that, in addition to the factors mentioned, the endeavor to achieve gender equality for *all* Kuwaiti women, regardless of their social status, is doomed to fail as long as the social issue of neo-patriarchy in Kuwaiti society is not tackled.



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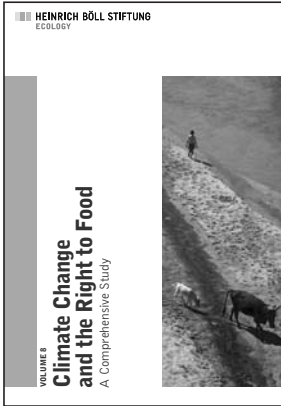


## ABBREVIATIONS

<b>ADFM</b>	Democratic Association of Women in Morocco ( <i>Association Democratique des Femmes du Maroc</i> )
<b>AHDR</b>	Arab Human Development Report
<b>AWSA</b>	Arab Women's Solidarity Association
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women
<b>EFU</b>	Egyptian Feminist Union
<b>FGM</b>	Female genital mutilation
<b>FNC</b>	Federal National Council
<b>GCC</b>	Gulf Cooperation Council
<b>IFL</b>	Islamic Family Law
<b>IICWC</b>	International Islamic Committee for Woman and Child
<b>IMF</b>	International Monetary Fund
<b>LMP</b>	Labor market participation
<b>MENA</b>	Middle East and North Africa region
<b>NDP</b>	National Democratic Party
<b>PAIWD</b>	Plan of Action for the Integration of Women in Development
<b>PJD</b>	Islamic Party for Justice and Development
<b>SAP</b>	Structural Adjustment Programs
<b>UAE</b>	United Arab Emirates
<b>UAF</b>	Union for Women's Action ( <i>Union de l'Action Féminine</i> )
<b>UNDP</b>	United Nations Development Programme
<b>WEMC</b>	Women's Empowerment in Muslim Contexts







## Climate Change and the Right to Food

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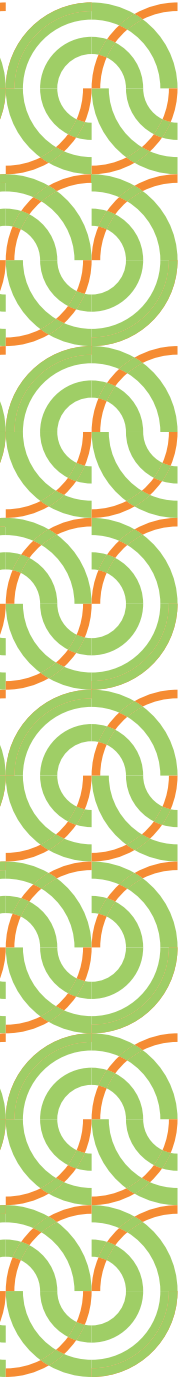
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