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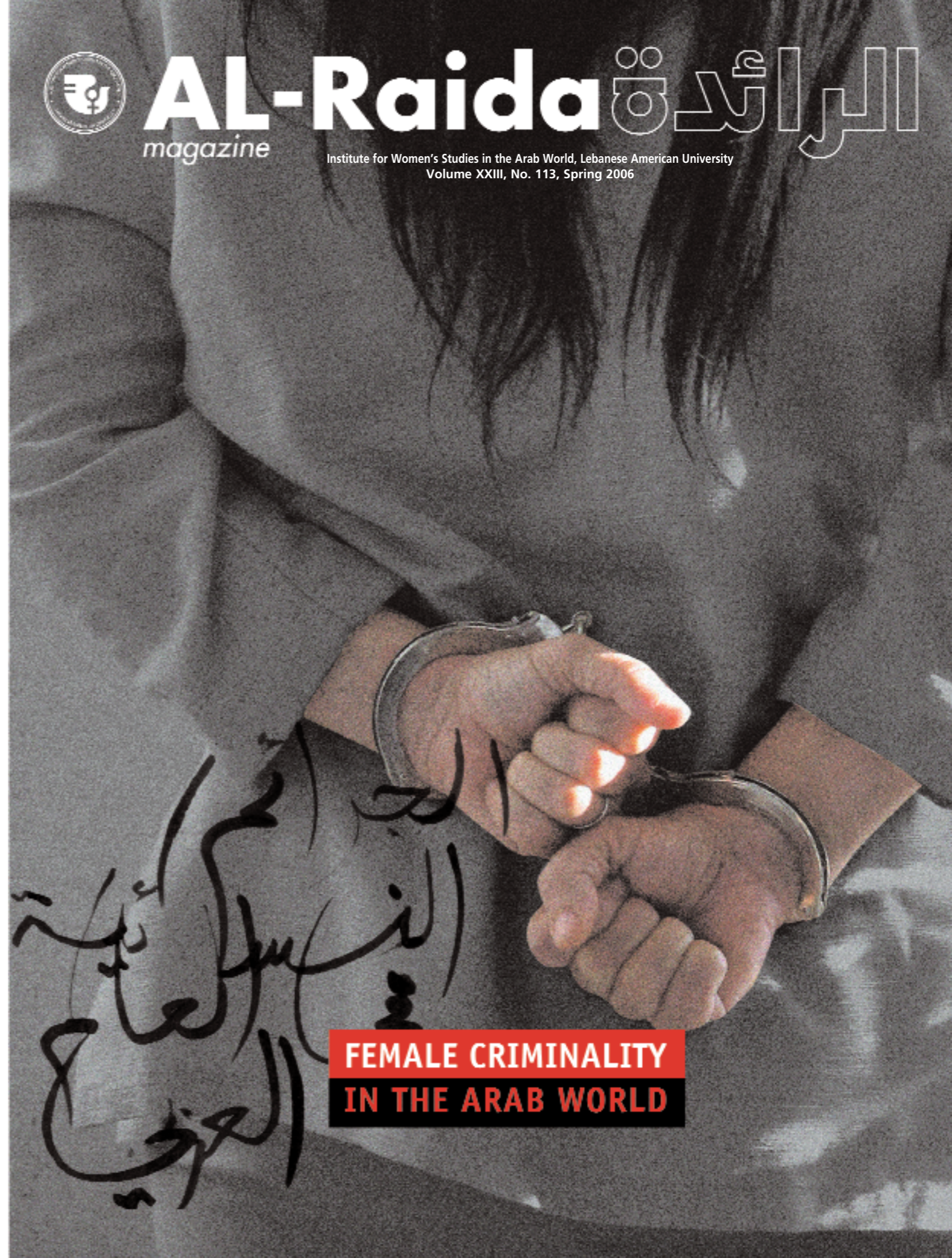
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**FEMALE CRIMINALITY
IN THE ARAB WORLD**

ABOUT IWSAW

The Institute for Women's Studies in the Arab World (IWSAW) was established in 1973 at the Lebanese American University (formerly Beirut University College). Initial funding for the Institute was provided by the Ford Foundation.

OBJECTIVES: The Institute strives to serve as a data bank and resource center to advance a better understanding of issues pertaining to Arab women and children; to promote communication among individuals, groups and institutions throughout the world concerned with Arab women; to improve the quality of life of Arab women and children through educational and development projects; and to enhance the educational and outreach efforts of the Lebanese American University.

PROJECTS: IWSAW activities include academic research on women, local, regional and international conferences; seminars, lectures and films; and educational projects which improve the lives of women and children from all sectors of Lebanese society. The Institute houses the Women's

Documentation Center in the Stoltzfus Library at LAU. The Center holds books and periodicals. The Institute also publishes a variety of books and pamphlets on the status, development and conditions of Arab women, in addition to *Al-Raida*. Eight children's books with illustrations, and two guides, one of which specifies how to set up children's libraries, and the other which contains information about producing children's books, have also been published by IWSAW. In addition, the Institute has also created income generating projects which provide employment training and assistance to women from war-stricken families in Lebanon. The Institute has also devised a "Basic Living Skills Project" which provides a non-formal, integrated educational program for semi-literate women involved in development projects. Additional IWSAW projects include The Rehabilitation Program for Children's Mental Health; Teaching for Peace; and the Portable Library Project. The latter project was awarded the Asahi Reading Promotion Award in 1994. For more information about these or any other projects, write to the Institute at the address provided.

ABOUT AL-RAIDA

Al-Raida is published quarterly by the Institute for Women's Studies in the Arab World (IWSAW) of the Lebanese American University (LAU), formerly Beirut University College, P.O. Box 13-5053, Chouran Beirut, 1102 2801 Lebanon; Telephone: 961 1 867618, ext. 1288; Fax: 961 1 791645. The American address of LAU is 475 Riverside Drive, Room 1846, New York, NY 10115, U.S.A.; Telephone: (212) 870-2592; Fax: (212) 870-2762.

PURPOSE AND CONTENT: *Al-Raida's* mission is to enhance networking between Arab women and women all over the world; to promote objective research of the conditions of women in the Arab world, especially conditions related to social change and development; and to report on the activities of the IWSAW and the Lebanese American University.

Each issue of *Al-Raida* features a File which focuses on a particular theme, in addition to articles, conference reports, interviews, book reviews and art news.

REPRINT RIGHTS: No unsigned articles may be reprinted without proper reference to *Al-Raida*. Permission to reprint signed articles must be obtained from the IWSAW.

SUBMISSION OF ARTICLES: We seek contributions from those engaged in research, analysis and study of women in the Arab world. Contributions should not exceed ten double-spaced typed pages. Please send a hard copy and a diskette. We reserve the right to edit in accordance with our space limitations and editorial guidelines. Submissions will not be published if they have been previously published elsewhere.

Titles of Issues*

- # 1, 1976: Various and Suggested Topics for Research Including : Women's Role in the Media, in Education, in Art and Work
- # 2, 1977: Women and Events Focusing on Women's Development
- # 3, 1978: Importance of Documentation in the Arab World
- # 4, 1978: Post-War Thoughts
- # 5, 1978: Women Between Reality and Illusion
- # 6, 1978: Research Projects on Women's Status: A Pressing Need in the Arab World
- # 7, 1979: Will Power
- # 8, 1979: The Year of the Child, The Year of Hope
- # 9, 1979: Women and Work
- # 10, 1979: Women in Turkey and Egypt
- # 11, 1980: Women and Health
- # 12, 1980: Problems Facing College Women
- # 13, 1980: Women and Media, Peace, and Sexual Exploitation
- # 14, 1980: Family Relations
- # 15, 1981: 1981, Year of the Handicapped
- # 16, 1981: Why a Women's Liberation Movement
- # 17, 1981: Fallen Idols
- # 18, 1981: A Message to Consider
- # 19, 1982: Future Plans for IWSAW
- # 20, 1982: Women and Old Age
- # 21, 1982: Freedom Cannot be One-Sided
- # 22, 1982: World Campaign for Peace
- # 23, 1983: You Cannot set the Clock Back
- # 24, 1983: What is Development?
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- # 26, 1983: Gibran's Anniversary
- # 27/28, 1983: 1984, the Beginning of a New World Communication Order?
- # 29, 1984: Women of Egypt and Algeria
- # 30, 1984: Women and the War in Lebanon
- # 31, 1985: Arab Women and the Women's Decade
- # 32, 1985: Arab Women and Literature
- # 33, 1985: Tunisian Women Speak
- # 34, 1985: Equality, Development, and Peace (Baghdad, Nicosia, Nairobi)
- # 35, 1986: Women of Saudi Arabia
- # 36, 1986: Kuwaiti Women: 25 Years of Independence, 1961-1986
- # 37, 1986: Women of Bahrain
- # 38, 1986: The Status of Arab Women
- # 39, 1987: Women and Work
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- # 41, Women and Economics
- # 42, 1987: Women's Liberation
- # 43, 1988: Women's Psychology
- # 44-45, 1988: Woman Artist
- # 46, 1988: Women and Liberation
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- # 49, 1990: Women and Law
- # 50, 1990: Women in Charge
- # 51, 1990: Women: Where, When and How.
- # 52, 1991: Lebanese Women
- # 53, 1991: Never Married Women
- # 54, 1991: Basic Education and Female Drop out in the Arab World
- # 55, 1991: Women Contributing to a Better World
- # 56, 1992: Women and the Environment
- # 57, 1992: International Women's Day
- # 58, 1992: Women at the Earth Summit
- # 59, 1992: Women ... A Step Ahead
- # 60, 1993: Why Feminism
- # 61, 1993: What about Career Women
- # 62, 1993: Young Women of Lebanon in the Post-War Era
- # 63, 1993: Women = Family in 1994
- # 64, 1994: International Women's Day, 1994 + IWSAW's Regional Environment Conference
- # 65/66, 1994: Battered Women in Lebanon
- # 67, 1994: Women's Health in Lebanon
- # 68, 1995: Women and Education
- # 69, 1995: Arab Women in Management
- # 70/71, 1995: Women in Post War Lebanon
- # 72, 1996: Women in the Media and Sustainable Human Development
- # 73, 1996: Arab Women in the Fine Arts
- # 74/75, 1996: Women's Rights are Human Rights
- # 76, 1997: Women in the Arab Family
- # 77, 1997: Arab Women and Poverty
- # 78, 1997: Lebanese Women and Literature
- # 79, 1997: Women in Agriculture
- # 80/81, 1998: Arab Countries and CEDAW
- # 82, 1998: Women in the Labor Force
- # 83/84, 1998-1999: Women's Lives in Lebanon
- # 85, 1999: 1999 International Year for Older Persons
- # 86/87, 1999: Arab Women and Cinema
- # 88, 2000: Arab Women and the Media
- # 89, 2000: On Violations
- # 90/91, 2000: Women Centers in the Arab World
- # 92, 2001: Feminizing Politics
- # 93/94, 2001: Marriage Patterns in the Arab World
- # 95/96, 2002: Incarcerated Arab Women
- # 97/98, 2002: Arab Women in Civil Society
- # 99, 2002-2003: Sexuality and Arab Women
- # 100, 2003: Arab Women's Movements
- # 101/102, 2003: Non-Arab Women in the Arab World
- # 103, 2003: Women and War in the Arab World
- # 104/105 2004: What About Masculinity?
- # 106/107 2004-2005: Young Arab Women
- # 108, 2005: Arab Women and Disability
- # 109/110, 2005: Women and Activism in the Arab World
- # 111/112, 2005 - 2006: The Status of Women in Lebanese Legislation

* The first issue of *Al-Raida* was published in 1976

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Assistant Editor: Myriam Sfeir
Copy Editor: Ghalya Saadawi and John Nicholson
Designer: Zouheir Debs
Editorial Board:
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 of the Institute for Women's Studies
 in the Arab World
 Lebanese American University
 P.O. Box 13-5053
 Chouran, Beirut,
 1102 2801 Lebanon
 Telephone: 961 1 867618, ext.1288
 Fax: 961 1 791645
 e-mail: al-raida@lau.edu.lb

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Al-Raida Explores Female Criminality in the Arab World

■ Omar Nashabe

Criminologist

Criminal activities are usually attributed to men, whereas women are often considered victims, and there are fewer women in prisons and who violate the law, especially in the Arab region. This issue of *Al-Raida* explores women as perpetrators of crime. However, it seems that female criminality cannot be explored without first understanding female victimization.

Throughout the Arab region, the crimes women commit are different – less serious, less professional, and less likely to be repeated – than the crimes committed by men, and from the crimes committed by women in the West. However, female participation in criminal behavior is increasing in Egypt, Lebanon, and some Gulf countries and some patterns of male and female criminality appear to be converging especially in corporate and white-collar crime.

As more women are attaining better social positions due to increasing female employment in the Arab region, their pattern of criminality is also increasing. Nevertheless, female criminality is not exclusively occupational.

The pertinent role of the overwhelming legacy of sexism is central when seeking an understanding of female criminal behavior in the Arab World. The articles in this controversial issue of *Al-Raida* evoke the man-made constructions of female criminology and contribute to the discussion on the failure to view female crime as "purposive action," as opposed to innate weakness and irrationality.

Do women offenders in the Arab World feel a new public fear of the "violent female"? Is there evidence that the

social and justice system responses to women offenders are changing, and not the nature of female behavior itself?

While this issue of *Al-Raida* may not succeed in providing full and concrete answers to these questions, we will try to provide an introduction and an overview that may contribute to the beginning of an enduring search for the truth about female crime.

Keeping in mind that women are subject to greater social control both within the family and in Arab society in general and that females are more closely "supervised" and more willing to accept conventional values and less likely to be involved with delinquent groups, contributors from various and diverse backgrounds attempt to provide an understanding of the female criminal mind.

Two high-ranking Lebanese police officers contributed two separate texts to this issue including raw data without further analysis. These texts are translations and are published in this issue "as is" regardless of some of the views they present, which may seem to challenge the views of many of the readers of *Al-Raida*.

This issue will not present a psychological perspective on female criminality in the Arab World, however, a review of general psychological Western interpretations of female crime are discussed.

This is one of the very few publications on female criminality in this part of the world and we hope that many other publications commenting, criticizing, and even contradicting the contents of this issue will follow.

When Women Kill

■ Rana Hussein

Journalist

Amirah Salem, 31, and Eidah Hussein, 25, took puffs from their cigarettes while drinking coffee minutes after slicing, burning and boiling the head of Amirah's 45-year-old husband in Mafrq in April 1996. The two women then mangled the victim's body, placed it in plastic bags and dumped it in cesspools around the town of Mafrq.

Amirah told interrogators that she conspired to kill her husband with the help of her neighbor because he physically abused her on a regular basis and threatened to marry another woman and abandon her. She also said that she decided to kill her husband, a mechanic, because he often brought other women to their house in her presence disregarding her feelings. Amirah purchased a gun three months prior to the incident and asked Eidah to help her accomplish her plot in retribution for her husband's constant abuse, according to court transcripts.

They decided to offer Eidah as his mistress as an alternative for him to marry another woman and he agreed, the court said. On the night of the murder, Eidah went to the couple's house and the women asked the victim to lay face down on his bed while Eidah changed her clothes. Amirah drew the gun and shot her husband four times in the head and neck.

Both women were executed by the state in June 1997. An official who attended the execution said the second the rope was pulled on Amirah, her head was decapitated and blood sprayed all over the room.

Amirah and Eidah's murder is reported to be one of the most brutal crimes in Jordan's history. Their murder was one of around a dozen crimes committed by women who were convicted and executed or are on death row.

When 22-year-old Ibtisam was escorted to the gallows by prison officials to be hanged for killing two children in March 2004, the rope became loose and she fell. The execution committee had to retie the rope and complete the execution since the Jordanian Penal Code stipulates that convicted criminals must be hanged to death.

Ibtisam was sentenced to death for pushing Fatima, 5, and Ahmad, 6, into a canal where they drowned to avenge a decision made by the man she loved to marry another woman.

Court papers said the woman met the man she liked few months prior to the incident and he promised to marry her, but his father refused and insisted on choosing another wife for him. When the victim heard about the news, she lured the man's siblings by offering them sweets and chocolates near the Jordan Valley Canal where she pushed them one after the other to their death, the court said.

Egyptian sisters Abeer and Rasha, who were employed by a 73-year-old Jordanian woman, were executed in December 1998 for murdering and robbing their employer. The two sisters sprayed mace on the victim's face then pressed a wet towel against her mouth and nose until she died and then stole her jewellery. They sold it in a Jordanian market and tried to leave the country but were arrested by the authorities at one of the Kingdom's ports.

Other women executed by the state during the past 10 years:
- In May 2002, A Jordanian woman and her Egyptian lover were hanged at Swaqa Correctional and Rehabilitation Centre after they were convicted of murdering the woman's Egyptian husband in one of the city's suburbs in 2000. The court said the two developed an extramarital affair and the woman asked for a divorce, but the victim denied her separation requests and the lovers decided to murder him, the court said.

On the night of the incident, the Egyptian stabbed the victim repeatedly with the help of the woman, then pressed a pillow on the victim's face until he suffocated then set his body on fire.

- In August 1997 a 35-year-old woman was executed by the state for poisoning her husband with the help of her Jordanian lover who received a life sentence.

The mother of nine children wanted to divorce her husband and marry her lover, but they both knew that the husband would refuse so they plotted to kill him, the court said. The lover brought rat poison to the woman and she placed it in her husband's food while the lover waited outside for the results, the court added.

Currently, there are two or three women who are on death row, awaiting a Cabinet and a Royal Decree endorsement of their death verdicts.

Recent Publications

The Links between Prostitution and Sex Trafficking: A Briefing Handbook

This handbook seeks to explore and elucidate the links between prostitution and trafficking, focusing on gender equality and the issue of demand. It was initially developed for the 13 countries participating in the joint Coalition Against Trafficking in Women (CATW) and the European Women's Lobby (EWL) Project on Promoting Preventative Measures to Combat Trafficking in Human Beings for Sexual Exploitation: A Swedish and United States Governmental and Non-Governmental Organisation Partnership.

This handbook may be used as a resource for any NGO or governmental group or authority that is interested in addressing the gaps in anti-trafficking programmes: the links between prostitution and trafficking, the importance of programmes and policies that are based on gender equality, the legal status of the sex industry, and the male demand for prostitution that promotes sex trafficking.

For more information and to download the handbook, please go to <http://www.catwinternational.org/>

Announcement

Campaign: 16 Days of Activism Against Gender Violence

November 25 - December 10, 2006

2006 marks the 16th anniversary of the 16 Days of Activism Against Gender Violence campaign! Since 1991, the 16 Days campaign has worked to increase the visibility of violence against women as a human rights violation. The campaign has been utilized by groups all over the world to demand support services for survivors, enhance prevention efforts, press for legal and judicial reform, and use international human rights instruments to address violence against women as a human rights violation, a public health crisis and a threat to human security and peace worldwide.

This year, the 16 Days campaign celebrates activists who have made the campaign a success and honors women human rights defenders who have suffered intimidation and violence for their activism and/or have given their lives fighting for gender equality. This year commemorates progress on addressing violence against women in our communities, nations, regions and around the world and calls for reflection on how to continue to advance this work.

While there has been progress in the struggle to end violence against women, many challenges persist. This year's campaign seeks to revisit and strengthen the human rights focus of work on gender based violence against women. It also hopes to look at the many obstacles women face in our communities and nations that intersect with violence against women, such as armed conflict, war, poverty, HIV/AIDS, globalization and other challenges to human rights. As the United Nations undergoes internal reform, we seek to ensure that women's human rights concerns, including violence, are fully integrated into all of the UN's agendas. The UN Secretary General released an in-depth study on all forms of violence against women.

The 16 Days campaign provides an opportunity to capitalize on the report and pressure governments and the UN to make greater concrete commitments to eradicating violence against women.

For further details and to join the 16 days electronic discussion, please visit <http://www.cwgl.rutgers.edu/16days/kit06/theme.html>

Films

Trade

Adriana (Paulina Gaitan) is a 13-year-old girl from Mexico City whose kidnapping by sex traffickers sets in motion a desperate mission by her 17-year-old brother, Jorge (Cesar Ramos Ceballos), to save her. Trapped and terrified, Adriana's only friend and protector throughout her ordeal is Veronica (Alicja Bachleda-Curus), a young Polish woman tricked into the trade by the same criminal gang. As Jorge dodges obstacles to track the girls' abductors, he meets Ray (Kevin Kline), a Texas cop whose own family loss leads him to become an ally in the young man's quest.

Maid for Sale

In order to escape from their country's extreme poverty and provide for their families, women from Sri Lanka leave their homes to work as servants in the Middle East, particularly in Lebanon. Most of the times these maids find themselves in situations worse than back home, under horrifying and miserable conditions: they're locked up in the house of their employers, being forced to work long hours. For this and other deprivations they get compensated with about 100 dollars a month. To return home is not an option as their passports are taken away from them. Some choose to runaway, others commit suicide. This modern form of slavery is disclosed in *Maid for Sale*. Three women – Sahika, Janika and Anne-Ritta – tell their story.

"The greater taboos against female crime stem largely from two powerful focal concerns ascribed to women: (i) nurturant role obligations and (ii) female beauty and sexual virtue. In varied settings or situations, these concerns shape the constraints and opportunities of girls' and women's illicit activities.

Women are rewarded for their ability to establish and maintain relationships and to accept family obligations, and their identity tends to be derived from key males in their lives (e.g. father, husband). Derivative identity constrains deviance on the part of women involved with conventional males but encourages the criminal involvements of those who become accomplices of husbands or boyfriends. Greater child-rearing responsibilities further constrain female criminality.

Femininity stereotypes (e.g. weakness, submission, domestication, nurturance, and "ladylike" behavior) are basically incompatible with qualities valued in the criminal underworld. The cleavage between what is considered feminine and what is criminal is sharp, while the dividing line between what is considered masculine and what is criminal is often thin. Crime is almost always stigmatizing for females, and its potential cost to life chances is much greater than for males.

Expectations regarding sexuality and physical appearance reinforce greater female dependency as well as greater surveillance by parents and husbands. These expectations also shape the deviant roles available to women (e.g. sexual media or service roles). Moreover, fear of sexual victimization diverts women from crime-likely locations (bars, nighttime streets) and reduces their opportunities to commit crimes."

<http://arjournals.annualreviews.org/doi/full/10.1146/annurev.soc.22.1.459>

"Article 92 of the Criminal Law makes it a condition that only a woman can (body) search another woman. This remains theoretical if we consider that the entire police force includes in its ranks forty-five (45) women police officers, in addition to one hundred and seventy-one (171) policewomen. The insignificant number of women police officers leaves women prey to the most demeaning forms of violence, particularly sexual molestation during night shifts, when women officers are generally not on duty. Fearing their superiors, most of the female police officers are silent about the situation.

Conditions are particularly alarming in the women's and

juveniles' prison where there are no separate quarters for underage inmates and adults. At the same time no special care is provided for young children living with their incarcerated mothers. This has led to an increasing number of child deaths in Sudanese prisons."

<http://www.wluml.org/english/pubsfulltxt.shtml?cmd%5B87%5D=i-87-2677>

"Many women that fall [back] into prison have the problem that their children have been taken away. When they go out to the street, they don't have anything, they have nothing inside. Because they say 'I don't have my children, what will I do? I'll go back to the drug again. I will go back to prostitution again. And I'll go back to prison again. Why fight? Why fight if I have nothing?'" <http://aspe.hhs.gov/HSP/prison2home02/Covington.htm#Mental>

"There are four women's prisons in Lebanon located in Ba'abda, Tripoli, Zahle in the Beqa'a, and in Barbar al-Khazen in Beirut. Conditions in all four institutions may amount to cruel, inhuman and degrading treatment. There are serious shortcomings, particularly regarding a large number of sick prisoners who are not receiving adequate medical attention and are held in conditions falling short of international standards, including the Standard Minimum Rules, as well as provisions of Lebanese law. Conditions in these institutions, especially as regards hygiene, sanitation, and ventilation, are said to be seriously inadequate. Dormitories are overcrowded and damp, leading to serious health hazards including infestation by insects. For example, in Ba'abda prison more than 40 detainees are held in such conditions in four rooms well beyond their original capacity. Detainees are reportedly locked up most of the time. They have no access to beds and sleep on the floor using sponge mattresses. The prisons visited by Amnesty International delegates, Ba'abda and Tripoli Prisons, were formerly residential apartments and prisoners had no access to fresh air or exercise.

Furthermore, women of different age groups, including children, are held in the same place, and there are no adequate facilities in women's prisons for catering for the needs of pregnant detainees and those with children. The treatment of women detainees by the authorities, including during pregnancy and childbirth, thus fall short of Lebanon's obligations to respect the inherent dignity of the human person as provided by the ICCPR and the Standard Minimum Rules."

<http://web.amnesty.org/library/Index/engMDE180092001>

Training: Basic living Skills Program

February 28, 2006

The Institute for Women's Studies in the Arab World (IWSAW) at the Lebanese American University held on February 28 training sessions for 27 Centers of the Ministry of Social Affairs conducted by Ms. Anita Nassar (IWSAW, Program Officer) on the use of the new version of the Basic Living Skills Program (BLSF). This program was funded by the United States Department of Agriculture and facilitated by Mercy Corps-Lebanon.

Women and the Media: The Challenges to Empowerment in Saudi Arabia

May 24, 2006

The Institute for Women's Studies in the Arab World and the Division of Social Sciences and Education invited Mrs. Samar Fatany, Journalist at Radio Jeddah to give a talk on Women and the Media: The Challenges to Empowerment in Saudi Arabia. The talk covered a variety of issues connected to women and the media in Saudi Arabia, including discrimination against women in Saudi Arabia, women and Islam, the challenges to empowerment for the Saudi woman, as well as how all these affect the leadership role of Saudi Arabia in the region.

Launching: Empowering Arab Women through Literacy

April 5, 2006

The Institute for Women's Studies in the Arab World (IWSAW) at the Lebanese American University launched the Empowering Arab Women through Literacy program. The program was funded by a grant from the Middle East Partnership Initiative (MEPI). This program is geared towards second level literates and consists of 61 stories dealing with 12 themes mainly: Civic Education, Legal Rights, Women Empowerment, Women Empowerment through Work, and Violence against Women. In addition, it includes a teaching guide with comprehension exercises.



The program

The objectives of this program are to strengthen the capacities of Arab women in an attempt to improve the quality of their lives and that of their families, to empower them and make them active participants in the process of sustainable and equitable development.

The launching was attended by Dr. Abdallah Sfeir, Vice-President for Academic Affairs (LAU); Mr. Fadi Yarak, Adviser to her Excellency Minister of Social Affairs Mrs. Nayla Muawad; and from the Embassy of the United States of America, Ms. Juliet Wurr, Public Affairs Officer and Mr. Ali Dimashkieh, Cultural Affairs Specialist. Ms. Anita Nassar (IWSAW, Program Officer) introduced the program to the audience using a power-point presentation.

Upon the request of MEPI, the Institute distributed the program to 36 of the Centers for Training and Social Services and Development of the Ministry of Social Affairs, from different regions of Lebanon and 15 non-governmental organizations that will integrate the program in their literacy units.

International Women's Day: Remembering Rose Ghurayyib

March 23, 2006

To pay tribute to the pioneering Lebanese writer and former editor of Al-Raida (IWSAW's quarterly journal) Ms. Rose Ghurayyib, the Institute for Women's Studies in the Arab World (IWSAW) invited the belated's close friends, students, colleagues, and family members to share their cherished memories of Rose. Speakers were President Joseph Jabbra, Emily Nasrallah, Anissa Najjar, Henry Zgheib, Dr. Dima Dabbous-Sensenig (Acting Director of IWSAW), Ms. Anita Nassar, Master of Ceremony. The event also included a three day exhibition of her published and handwritten manuscripts.



Front row audience from left to right: Dr. Abdallah Sfeir, Dr. Dima Dabbous-Sensenig, Ms. Emily Nasrallah, Dr. Joseph Jabbra.

Inauguration of the Visiting Room Tripoli Prison

June 23, 2006

In view of the precarious living conditions of the incarcerated women in the Tripoli prison, the overwhelming needs observed and expressed by these women, as well as the concern of the authorities in charge of this prison, the Institute for Women's Studies in the Arab World and Dar Al-Amal have initiated, since 2002, rehabilitation and intensive vocational training and reinsertion programs in the Tripoli Prison for Women.

The objective of the project is to:

- to improve the incarceration environment
- to assist women prisoners in discovering their own abilities, and create a more positive image of themselves
- to train women in marketable skills to earn an income which will provide for their basic needs inside and outside the prison
- to empower women prisoners through economic independence
- to prepare them for their reinsertion into society

The 2005-2006 program which is coordinated by Ms. Anita Nassar, under the supervision of Dr. Dima Dabbous-Sensenig, is being jointly implemented by Ms. Anita



From left to right: Dr. Dima Dabbous-Sensenig, Mrs. Anita Nassar, General Michel Nassif, Lieutenant Colonel Bassam Al-Ayoubi, Captain Elias Ibrahim, Ms. Huda Karra, Ms. Farah Hammoud.

Nassar, Ms. Huda Karra and Ms. Farah Hammoud. 165 incarcerated women are benefitting from it. Programs in vocational-skills training, literacy, Basic Living Skills, and mental health (psychotherapy) are offered as part of the rehabilitation project for these women.

As part of the project, the 'visiting room' which was renovated was inaugurated in the presence of representatives from the Internal Security, Municipalities and Syndicates of Lawyers.

Female Criminality in the Arab World

The decision to compile an issue exploring female criminality in the Arab region stemmed from a need and a desire to tackle a controversial topic on which very little has been published.

When I first suggested the topic to potential contributors, I realized there was substantial resistance in recognizing women's role as criminals (especially in the Arab world and the Middle East). This is most probably due to the fact that women are primarily portrayed as victims rather than perpetrators of crime. Yet, although women are more likely to be victims of crime, many women have been involved in serious and even notorious crimes. Furthermore, there has been a long-standing tendency to 'pathologize' female criminals and to view victimization as the sole contributing factor behind their acts. However, the relationship between gender and victimization is far more complex with no clear cut causal relations and women's involvement in violent crime is not always the result of need, poverty or victimization.

In fact, one of the most intriguing questions raised in discussions with *Al-Raida's* Board members was the extent to which female victimization affects female criminality. In other words, are women's crimes reactionary or deliberate? We also wondered about the types and distribution of crimes committed by women.

To help us address these questions we have been fortunate to enlist the support of a number of contributors who currently play a major role in including gender issues on the criminology agenda.

We are delighted to welcome the new contributors to *Al-Raida*, and are also pleased to have a number of other contributors whose articles have appeared in previous issues on the subject of gender. Each has taken the opportunity to reflect on the current state of gender and criminology in the region, and on relevant issues that continue to raise concern.

The articles are primarily qualitative observations and opinions, with little emphasis on quantitative data, since statistics pertaining to women and crime are inaccurate, and because very little is known about the nature of crimes committed by women in the Arab region.

This current issue includes opinion pieces as well as research articles.

A number of criminal cases in Egypt, Jordan and Lebanon are also included: Unreported cases of female fraud and the phenomenon of female violence during the recent Egyptian elections are both addressed.

A number of academics, activists and legal practitioners were asked to tackle the issue of female criminality from the following perspectives: the legislative and judicial standpoint (Zalzal); policing and social control (Daher and Saliba); the Human Rights perspective (Mhanna); female crime in cinema (Addoum); and psychological explorations of female criminality (Ataya).

Schayegh and Strobl's contributions on female criminality in pre-Revolution Iran and modern day Bahrain respectively, are very insightful.

Criminal law and criminal justice policies have also been paid special attention. And while there have been many improvements, the implications of new legislation and penal policies continue to be problematic.

We are also thankful to Internal Security Forces' Generals Fadl Daher and Amin Saliba for their personal insight into the issue of female criminality.

We hope that this issue will tackle the previous gaps in knowledge created by criminologists' neglect of the female offender, in information about women's involvement in crime, and the data on female victimization, and shed light on the treatment of women in the criminal justice process.

Although we aim to introduce the vast domain of women and crime by exploring a number of various cases and opinions, there is still a long way to go for a full and comprehensive understanding of female criminality in the Arab region. Hopefully, the following articles will instigate critical debate, boost interest in and highlight the importance of understanding and tackling female criminality in the area.

Omar Nashabe

The Untold Truth about Crimes Committed by Women

■ Marie-Rose Zalzal

Attorney at Law
Human Rights Activist

A truck carrying prisoners pulled into the courtyard of the Judicial Palace and three women stepped out. My friend and I looked at them and immediately concluded, judging from their appearance, that one was Lebanese, one Romanian and the other Sri Lankan. We continued our guessing game and assumed that the Lebanese woman must have been arrested for drugs, the Romanian for prostitution, and the Sri Lankan for theft. All of a sudden, we realized that we were biased in our assumptions, given that we had drawn our conclusions from first impressions. We became eager to see if we could verify our guesses, and we followed the suspects into the Judicial Palace only to learn that all three women were in fact arrested for murder. Leila is a Lebanese woman accused of conspiring with her lover to murder her husband; Christiane, who we initially thought was Romanian, was in fact French, and was accused of aborting while in her fourth month; and Lakshmi was accused of stabbing the owner of the restaurant where she worked.

We immediately fell into the trap of stereotyping these women despite believing that we were above such biases. This led us to think about the meanings and implications of justice and equality before the law. We asked ourselves: How are they going to appear before one court to be

judged under one law? How would each of them plan their defense and would they all be given a fair trial? In Lebanon, the issue of equality within and before the law usually pertains to equality between the sexes. Lebanese laws contain various kinds and levels of gender-based discrimination, especially regarding personal status laws and the Penal Code, which reinforces and consolidates discriminatory tribal values and inequalities.

The issue of discrimination against women takes on various dimensions especially when it intersects with social, racial or cultural considerations. This article will focus on one aspect of discrimination against women who are accused of committing criminal acts, tackling the issue of the hidden and the manifest in the relationship between the law and social values.

The Hidden and the Manifest about Crimes Committed by Women

Lebanese society is considered traditional and patriarchal in both its structure and values. Since women are viewed as the 'pillars' of the home and are relegated to the private sphere of the household – their so-called natural place – they are not seen as a threat to the social order, and violence, as a trait, is not commonly attributed to

them. They are seen to symbolize and preserve society's identity, heritage, and honor by virtue of their gender. Therefore, by conforming to their traditional roles and allowing men to maintain their dominance, ultimately, the status of women has been reduced to objects in need of protection. These roles, however, are becoming increasingly unstable as women gain greater equality with men and ask to be entitled to equal protection under the law. Nevertheless, the laws regarding women are still vacillating and this could be due to society's prevailing patriarchal values (which are starting to disintegrate due to the forces of modernity). This volatility in roles destabilized the value system and has resulted in a distinctly Lebanese bargain: reconciling the old with the new in a perfect synthesis. If a patriarchal society is to abide by new laws, it must doubly preserve the status quo while safeguarding its traditional positions and values. Of course, this compromise is reached only at the expense of women's rights, and becomes dramatically obvious concerning punitive issues such as capital punishment.

Capital Punishment According to Tribal Law and the Penal Code

Regrettably, capital punishment is still implemented in Lebanon and murder is a crime punishable by death. Individuals and human rights activists are now demanding the abolition of the death penalty. According to the national register of capital punishment verdicts, around 50 have been enforced since 1947,¹ without a single woman being among those executed. When it concerns women, only particular crimes warrant the death penalty, and the decision must be taken by a special authority. However, some women are killed by their own families for tarnishing the family's honor. The law is lenient with the murderers and condones such crimes on the grounds of extenuating circumstances. If we compare the data pertaining to honor killings and those pertaining to the death penalty as authorized by the judiciary, the results are startling. In addition to the six executions carried out in Lebanon between 1995 and 1998, 36 recorded honor crimes² were committed against women in Lebanon during the same period. This means that the executions of women in the name of honor – implemented outside the direct rule of law – exceed legal executions by six times.

It is important to note that the number of crimes of which women are the victims is unclear and often inaccurate. The percentage of women reported to have died suddenly or to have committed suicide by swallowing poison, for instance, is unjustifiably high in certain areas. This indicates that these women could have been murdered. This conspiracy of silence between the government and tribal families is the result of traditional values and attitudes that should no longer be legitimate or acceptable in today's society.

Social values and the roles they reinforce change over time, but the law does not. This adds to the dangerous discrepancy that exists between the concept of "criminal women" in reality and before the law, and the dangerous imbalance in values that the law protects. It also questions the validity and reliability of the statistics and figures available.

The Female Criminal before the Law

It is known that what defines criminal³ acts is bound by time and space. Moreover, such acts harm strong feelings of social consciousness and basic values, pushing societies to take deterrent and preventive measures against them, and to label them "criminal" acts before the law, all the while designating appropriate penal measures. Here lies the importance of the law in assessing the legitimacy of crimes.

The same act considered a crime in a certain era and place might be regarded as an individual's legitimate right under different circumstances. For example, abortion in Lebanon is a crime punishable by law, whereas in France it is considered a woman's full right to choose to terminate a pregnancy. Ironically, it is well-known that abortions take place secretly and abundantly in Lebanon.

An act can constitute a crime in a certain country, but be considered a breach of civil obligation elsewhere. For instance, adultery is a crime punishable by the Lebanese Penal Code, whereas in France and other countries, since the mid-70s, it constitutes a breach of faithfulness in marriage and therefore has civil repercussions. Adultery in Lebanon occurs across social classes. It is mostly practiced underground and remains secret in most cases. If such cases do surface, they go unreported, with lawsuits rarely being filed.

Passed more than 65 years ago, the Lebanese penal code reflects the prevailing values of that time. Although in principle it strived to treat criminals equally irrespective of their gender, it remained discriminatory particularly in issues such as honor crimes, adultery and abortion laws. Under these laws, women are no longer considered human beings or citizens, and their status is reduced to that of sexual objects 'owned' by men to symbolize their honor. Discrimination is also evident in criminal acts that are not punishable by the law, such as cases of women who are raped by their husbands.

However, the last 20 years have witnessed major changes in the prevailing social values and behaviors, such as those regarding gender relations, especially the participation of women in public life. Hence, the delegation of women to the private sphere, namely the household, is no longer viable. Yet, 65 years after the endorsement of the penal code and despite vast societal transformations,

the law remains unchanged. This status quo is depriving women of their rights and contributing to persistent inequality between the sexes.

How adultery is viewed and practiced is an example of the discrepancies that exist between the law and social norms. Adultery is punishable by law and condemned by all conservative Arab communities. However, there are some ironic stories of people in informal social gatherings talking about a certain official's wife using her beauty and seductiveness to further her husband's political and economic ambitions. Despite this, those same people respect the woman and her husband, seek their friendship, and take pride in it. Adultery is widespread in many social circles and is often discussed openly. Moreover, extramarital affairs are sometimes considered a source of pride and proof of a husband's virility. If violating one's marital vows by being unfaithful does not harm society's values, and is seen as acceptable, why is it still considered a crime? Similarly, if adultery is considered a crime, why is it not reported and prosecuted?

In the case of honor crimes, most murders are not committed to defend one's honor, but to avoid scandal. For instance, there are cases of incest that result in the murder of the female victim for fear of exposure. Yet these are either classified as honor crimes, or the perpetrators report that the victim died due to a disease.

The Reality of Criminal Women in Lebanon

Lebanon has never known women who have committed brutal pathological crimes such as those committed by Countess Erzsebet Bathory, who was brought to trial in 1614 on charges of killing hundreds of young women and bathing in their blood in order to preserve her youth. In other words, criminality among women is not a common or prevalent phenomenon. And when women do commit murder for example, they are often portrayed as victims revolting against oppression such as a subjugated wife who poisons her husband to free herself of his tyranny, or an enslaved maid who revolts against her oppressive employer by murdering him, and so on.⁴

The Internal Security Forces' Directorate-General has been collecting crime statistics in Lebanon for a number of years. A sample of the crimes committed between 1993 and 2002,⁵ reveals the following: 191 murders were committed by women during this period, as compared to 1,138 murders committed by men (i.e. 20% of the total number of such crimes).⁶ It is difficult to clearly determine whether the percentage of women criminals has actually increased or decreased, but it is quite obvious that the percentage of murders committed by men has decreased. These statistics, however, do not reflect reality since there are many crimes that go unreported.

Fear of revenge, shame or scandal often explains such silence.

Since the end of the civil war, it appears as though the Lebanese have become more tolerant towards violence, and Lebanese society often tolerates acts that are considered criminal under Lebanese law. Hence, many crimes go unreported. Therefore, the assumption that the murders committed by women constitute 20% of total murders is probably an exaggeration.

The difference in the numbers of reported and unreported crimes is remarkable and is considered by some to be a major weakness,⁷ and in reality, there is no clear way of determining the number of unreported crimes. When tolerance to crime is high, the number of reported crimes decreases and unreported crimes increase. This is why the available statistics, whether conducted by the public or private sector, are not reliable.

The Right to a Defense and a Fair Trial

According to Lebanese law, the right to a defense is a basic right and it guarantees a fair trial. In its preamble, the Lebanese Constitution pledged to abide by the Universal Declaration of Human Rights as well as other international treaties, and Lebanon is the only Arab country to have openly expressed its commitment to the declaration (in its Constitution). This grants the declaration a privileged status within the Lebanese legislative system.⁸

Article 7 of the Universal Declaration of Human Rights stipulates that "all are equal before the law and are entitled, without any discrimination, to equal protection of the law"; article 8 of the declaration stipulates that "everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him [her] by the constitution or by law."

Article 14 of the International Covenant on Civil and Political Rights sets the criteria for a fair trial. These include: "To be presumed innocent until proven guilty according to law; to be informed promptly and in detail, in a language which he [sic] (the defendant) understands, of the nature and cause of the charge against him [sic]; to have adequate time and facilities for the preparation of his [sic] defense and to communicate with counsel of his [sic] own choosing; to examine, or have examined, the witnesses against him [sic] and to obtain the attendance and examination of witnesses on his [sic] behalf under the same conditions as witnesses against him [sic]; to have the free assistance of an interpreter; and not to be compelled to testify against himself [sic] or to confess guilt."⁹

The Lebanese penal procedure code guarantees the right to a defense and determines the conditions for a fair trial.

These rights were solidified further after the amendments introduced in 2001. The proper implementation of the procedure code guarantees a correct implementation of the penal code, and together they contribute to securing the appropriate application of penal justice.

I attended some of the court sessions for Leila, Christiane and Lakshimi's ongoing trials¹⁰ to try and understand the factors that may influence the right to a defense during a trial. What caught my attention about Leila's trial was that she was given the right of defense from the moment she entered the courtroom. She took the stand fully confident of her innocence, successfully conveying to all those attending that she was in the wrong place. She is a distinctly privileged suspect, mainly because she is a rich woman who enjoys her family's support, and has access to specialized attorneys. She won the sympathy of the court. During her questioning, Leila remarkably succeeded in proving her innocence; she was fully informed about the case and obviously prepared herself for the session with the help of her attorneys. Her communication was calm, making it easy for the judges, attorneys and suspects to efficiently discuss her file in the courtroom.

Despite being a woman, Leila was not discriminated against because the law does not distinguish between men and women in murder cases, nor between their rights to a defense. It was clear that the determining factor behind Leila's success was her financial status, especially in helping her benefit from legal expertise.

As for Christiane, her problem was of a different kind: she is a French student who had come to Lebanon six months before her arrest to conduct field research within the framework of her PhD. She met a German man carrying out a study in the same field, and they decided to live together. Soon after she became pregnant, yet she realized she could not cope with raising a child while still studying, and decided to terminate her pregnancy. Unfortunately, subsequent health complications led her and the doctor who performed the abortion into the hands of the police.

Is abortion a crime or a right? Christiane entered the courtroom and told the tribunal that she did not know abortion was prohibited in Lebanon, and that she does not consider it a crime. In her country, a woman's right to abort was made legal in the mid-70s with the Simone Weil Law. She argued that the right to abort was sanctioned in France after abortion became widespread, prodding the French judiciary to legalize it in accordance with certain medical practices that respect women's rights as well as public safety. A long conversation took place between her and the judge, in the presence of her attorney and an interpreter. Despite the fact that she had only been in Lebanon for six

months, and bearing in mind that she had been associating with friends from university who knew nothing about the penal code, she was unable to convince them of her ignorance of the law. However, Christiane's argument that she did not consider abortion a crime was an important move in her defense. She was able to prove that she was not openly challenging Lebanese law and never had the intention to violate it, since she believed she was exercising her right (as recognized in her country).

Christiane participated in her own defense and managed to do so in French. Luckily, both the judge and the attorney were fluent in French, which complemented the interpreter's job. Consequently, the fact that everyone knew the language enabled her to communicate her defense. Christiane's problem in defending herself, however, did not lie in the language, but rather in the Lebanese law which considers an act, legal in the country where she has lived all her life, a crime. Christiane knew that abortions were performed in various private clinics in Lebanon as well as 'underground' in old-fashioned, unhygienic conditions. Is it fair to prosecute Christiane for a crime that constitutes a right in her own country?

Lakshimi's case was approached from a cultural, social and economic perspective, which made gender-based discrimination against her possible. Lakshimi is a young Sri Lankan woman in her early twenties who came to work in Lebanon four years ago through a recruitment agency in Delhi. She spent two years working for a family who treated her like a slave. She escaped leaving her passport and money behind. Her employers confiscated her passport, yet they still owed her 6 months worth of salary. After she escaped, she worked as an assistant chef at a popular Beirut restaurant. The restaurant owner wanted her to offer him and his clients her sexual services, but she refused. One day, after all the clients had left, and as she was getting ready to go home, the owner assaulted her, and tried to rape her. She stabbed him with a knife and escaped.

The restaurant owner filed a lawsuit against Lakshimi on charges of attempted murder and theft. She was arrested and imprisoned. After a preliminary interrogation, the minutes of the questioning were drafted and she signed them. She was never told what she had signed, and she never asked.

She entered the courtroom submissive and defeated, and took the stand as if she had already surrendered to the verdict. The court clerk called her name, but she did not move. The policeman who stood next to her scolded her and shouted her name. One of the judges asked her if she had stabbed the plaintiff with a knife to which she replied, "Yes." He asked her why she did it, yet her reply was in an

Indian dialect, and the court understood nothing except the word "Mister." The interpreter continued, "She stabbed him because he tried to rape her." When asked if there were any eyewitnesses, she told them that Sobhi, an Egyptian worker at the restaurant, had witnessed the incident.

Lakshimi did not know, however, that Sobhi had been living and working illegally in Lebanon for over than 3 years, and that the restaurant owner had promised to work on his residency with the help of a friend on condition that he would not appear before the court. Both men benefited from the pact; it was a good bargain for Sobhi because it kept him out of jail and exempted him from paying a fine, and it protected the restaurant owner of the only eyewitness who could testify against him.

The judge asked Lakshimi about the theft accusation that had been lodged against her by her first employer. She remained silent until the end of the court session. The attorney designated by the court to defend her was surprised and could not understand the suspect's silence, which could have been understood as a confession and thus strengthen the prosecutor's position. The attorney, however, was not well-informed about the case and only had time to examine Lakshimi's file immediately prior to the trial. Moreover, he was unable to discuss the details of the case with his client because there were no interpreters available. The attorney later discovered that Lakshimi's former employers falsely filed a lawsuit against her to rid themselves of any obligation to pay her dues. The attorney later informed me that he had visited Lakshimi's former employer telling her how dangerous her false accusations were and that they could adversely affect the course of the present trial. In a shocking display of cruelty, Lakshimi's former employer refused to drop the charges.

Surely, silence is the defendant's rights and no accused should be compelled to confess to a crime he [sic] is charged with. A defendant has the right to remain silent, although it is a negative form of communication. However, remaining silent because one is in shock undermines one's right to a defense, suggesting despair and failure to communicate. Yet, Lakshimi's silence was due to her powerlessness in defending herself in the face of daunting circumstances, and only served to consolidate the charge against her. It also made things easier for those in the judicial system who failed to break the barriers of language and ignorance in order to arrive at truth and justice. It is possible they may have also done so in subsequent court sessions.

There is an incommensurable gap between the law and reality; a gap no smaller than the gap between espoused and practiced values, and the gap between the hidden

and the manifest. Bridging this gap requires acknowledging that it exists, and then working to reverse it by acknowledging the injustices taking place at the legal level, as well as at the level of everyday life. The complicity in covering up crime is a result of an unwritten social agreement not to speak out against injustice and not to criticize traditions. It is an expression of the law's failure to expose the social hypocrisy and deceit behind professed values, even when such values are clearly criminal.

Translated by Nadine El-Khoury

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11. Article 6 of the European Convention on Human Rights endorsed of November 4, 1950 highlighted the right to a fair trial, especially the right to a defense. A declaration adopted by the UN in 1985 about the independence of judicial power developed the criteria of equality before tribunals and guarantees to the rights to a defense during all phases of the trial. Regional conferences emphasized these principles, especially the First Arab Conference on Justice held in Beirut in 1999 and the Second Arab Justice Conference held in Cairo in 2003.
12. The names and some of the facts have been modified.

Female Corporate Crime in Lebanon: Money and Banking

■ Anonymous

Bank Employee

A bank employee who decided to remain anonymous collected the case studies below. He/She holds a prominent position in a bank in Lebanon. He/she has volunteered to provide information about unreported crimes committed by his/her former female employees. The banks that were involved did not report the crimes because they were afraid of tainting their reputation and potentially damaging their customers' trust.

Mrs. M

Mrs. M is a 40-year old woman, married with two children. She grew up in an average family, received her secondary school education and joined the banking sector. For 15 years she worked for one of Lebanon's most reputable banks, and proved herself to be a hard worker. She had a pleasant character and won her colleagues' trust and respect, as well as that of the banks' customers.

Her husband, however, was not successful at work and did not have a stable job. He was a freelance consultant in various fields.

Both her colleagues and her acquaintances slowly began to notice that Mrs. M. was leading a lavish lifestyle that did not match her limited income. They attributed it to

her parents' good financial status, especially since Mrs. M lived with her parents in their family home.

Mrs. M's behavior was not suspect; on the contrary, she was regarded as a good model and an ideal employee. Hence, a substantial number of customers, including her relatives, entrusted her with their personal accounts and their savings account books, and she managed all their transactions.

Taking advantage of the situation, she began using these savings accounts. She succeeded in establishing a safe method to cover up her fraud by using a typewriter instead of the bank's computer system to register customer transactions. For example, when her customers deposited money in their savings, Mrs. M would put the money in her account, registering all the related transactions in the client savings books using the typewriter. The savings books' balances always appeared accurate to the customers, while in actual fact the bank's records were missing the data pertaining to these transactions.

Mrs. M succeeded in covering up her fraud, until one fateful day. She asked her colleague who worked as a

teller to cash one of her customer's cheques. Later the same day, Mrs. M deposited the same amount in her account. Her colleague was suspicious and informed the manager. The next day a group of auditors visited the branch and checked her accounts. Figuring out she had been discovered, Mrs. M left the country with her family on the same day, taking around USD 700,000 with her. The bank could not recover the money.

Customers questioned why Mrs. M. had put herself in such a situation and wondered whether it was in order to lead a luxurious lifestyle. Her friends and family believed her husband was a bad influence since he had a reputation of being immoral. They concluded that she had been weak in confronting him.

Ms. G

Ms. G is a 40-year old single woman. She was raised in a middle class family, and had an average education. She joined the banking sector at a young age as a teller. She kept a low profile, and remained a teller for the rest of her career. Her brothers and sisters, on the other hand, were better educated and well-off.

Mrs. G was allegedly a good-hearted person, but she got involved in a relationship with a conman who promised to marry her. In order to make her dream come true and marry her, he kept asking for money. To meet her fiancé's demands, Ms. G. began tapping into her siblings' accounts. In addition, she embezzled the bank's transitory creditor accounts. A few months later, her managers suspected her when they saw large transactions to and from her personal account. Once she was exposed, Mrs. G was suspended from her job until she reimbursed all the embezzled money. Ms. G was indeed her fiancé's victim.

Mrs. R

Mrs. R is a very intelligent woman in her mid-forties, with a dynamic and pleasant personality. She joined the bank at an early age, just after finishing her secondary education. Despite her limited education, she managed to become the deputy manager of a local branch and worked there for over 15 years. She is married with 3 children and her husband is a partner in a successful family business. They are quite well-off.

Customers trusted Mrs. R. tremendously, so much so that a large group of customers entrusted her with all their banking transactions. Mrs. R. set off on a thorough strategy of fraud. She would fool customers by convincing them that they should open two accounts, one in Lebanese pounds (LBP) and one in US dollars (USD). Due to the banking procedures of the time, savings books did not carry the currency of the deposits. She would deposit the USD in the clients' LBP accounts. Mrs. R managed to steal around USD 4 million.

She did everything to keep her fraud hidden. Eventually however, her employers noticed she had not taken a holiday in 6 years. The bank's management finally coerced her to take a long vacation. But in order to avoid being exposed, Mrs. R rented an office next to the bank in order to meet her customers before they entered the bank, handling the transactions herself. One day, she missed one of the customers who approached the branch directly, enquiring about his saving balance. He realized that all his USD savings were in LBP. The branch immediately asked for auditors to review all the accounts. They discovered that Mrs. R. had stolen around USD 3 million.

Mrs. R managed to escape. She left the country with her family and a huge sum of money. Nobody could explain what drove her to do what she did.

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Not so Notorious: Crimes Committed by Bahraini Women in the Kingdom of Bahrain

■ Staci Strobl

John Jay College of Criminal Justice and The Graduate Center, City University of New York

Introduction*

A notorious female criminal captures the public's attention. She is discussed over tea and coffee, and is the subject of editorials and letters in the local press. The serious nature of criminal behavior shocks and – for better or worse – simultaneously fascinates and entertains. As psychologist Jack Katz has suggested, consumption of crime-related media acts as a “ritual moral exercise” in which people work out their own moral issues vicariously.¹ From this phenomenological perspective, news reports of crime become sites in public life where the moral meaning of crime and punishment is created, consumed, and recreated.

In a country with a low crime rate relative to other developing nations, female offenders are rare in Bahrain. In the last two decades only one Bahraini female was ever convicted of pre-meditated murder. Female criminals in Bahrain are overwhelmingly from other countries and are largely non-Arab. According to statistics from the women's prison in Isa Town, Bahrain, less than 5% of women detained in 2004 were Bahraini nationals, and less than 10% hailed from Bahrain or another Arab country.²

The following analysis shows that on average Bahraini

women are rarely crime suspects, and when they are, the allegations almost always involve non-violent crimes. As such, locating a “notorious” Bahraini female criminal to include in this special issue on Arab female criminals is a challenging task.

Bahrain and Crime: An Overview

From a public security standpoint, Bahrain, a small archipelago in the Arabian Gulf with a population of approximately 700,000 inhabitants, is considered a relatively peaceful country. According to the Ministry of the Interior, there were only 7 murders committed in 2004. In 2003, there was one murder and an average of 4.4 murders in the previous five years, all involving male offenders.

Political unrest in the form of demonstrations occasionally occurs, primarily involving Shi'ites, who make up approximately 60 percent of the total population. Protests have primarily been directed at the Sunni ruling cabinet over discrimination in employment and proposed changes in the country's family law.³

Like most other Arab countries, the criminal penal code is based on a Continental-style civil code. Under Bahraini law, criminal offenses are divided into two major cate-

gories: *jinha* and *junaiya*. *Jinha* are less serious crimes which are punishable by three years of prison time or less and include such things as petty theft and adultery. The police and victims have discretion as to whether reported cases of *jinha* should be sent for prosecution or whether a resolution suitable to the parties involved can be accomplished at the police station through mediation. *Junaiya* are serious offenses, such as murder and kidnapping, which are punishable by more than three years in prison and, whenever alleged, are always subject to public, prosecutorial investigations.

In addition, the penal code criminalizes certain social behaviors, such as public displays of immoral behavior.⁴ These crimes are mainly infractions punishable by fines. Many of the infractions would not be considered criminal in western countries where civil law reigns. Sharia-based (religious) law primarily concerns family law, and has provisions regarding marriage, divorce, child custody and inheritance.

Methodology

This article is based on data collection from a doctoral dissertation on policewomen working in the Women's Police Directorate in Bahrain. The data are ethnographic and archival in nature. Available official records from the Ministry of the Interior and the Women's Police Directorate were analyzed, followed by local newspaper accounts of crimes reported in the Gulf Daily News and Akhbar al-Khaleej between the years 1985 and 2005. Specific attention was paid to the most recent years available in the Gulf Daily News which are 2004 and 2005. Second, over a four-month period in 2005, detailed field observations were made of policewomen interviewing female suspects, in English and Arabic, in a number of the kingdom's local police stations. Finally, unstructured bilingual interviews with Bahraini policewomen were conducted about the extent of crime committed by Bahraini females.

Official Crime Data

In Bahrain, as in nearly all other societies, women are more likely to be victims of crime than perpetrators. Violent crimes against women are typically under-reported in any society, as they most often occur at the hands of spouses or close relatives whereby a variety of factors, such as economic dependence and social stigma, may cause victims to remain silent. According to the Ministry of the Interior, 649 cases of domestic violence against women were investigated in 2004 out of the 32,087 crimes actually reported to police. In 2003, there were 612 investigations into domestic violence against women. However, as suggested above, these numbers are most likely a gross underestimation of actual cases.

Female criminals in Bahrain overwhelmingly commit non-violent crimes. In addition, they are largely non-Bahraini, non-Arab expatriates. According to prison statistics, of the 2,152 women who entered prisons in 2004, either awaiting trial or serving a sentence, 71.5% were South Asians, primarily from Bangladesh, India, Philippines, Sri Lanka, Indonesia, Thailand and Pakistan. Of these, the majority were detained on immigration violations such as illegal over-staying of a visa and running away from a sponsor,⁵ or prostitution and theft.

Based on observation and interviews with policewomen, a significant amount of the charges against female South Asians are leveled against women working as domestic workers in Bahraini families, although no official statistics about incarcerated domestic workers are available. Many human rights groups, such as the Bahraini Migrant Workers Society, as well as local newspapers and many of the South Asian embassies, have extensively documented hundreds of cases involving domestic workers running away from sponsors due to physical and sexual abuse, being overworked and their salaries being withheld.

According to the Ministry of the Interior, drug trafficking is one offense category in which Bahraini and Gulf nationals exhibit a slight majority (approximately 51% of drug trafficking arrests). However, in 2004 only 11 traffickers were women and only 4 of those were Bahraini.⁶ Of Bahraini women detained in prison in 2004, nearly half of them were facing prostitution charges and a quarter of them were jailed for adultery, suggesting that Bahraini women are most often incarcerated for crimes related to socially deviant sexual behavior.

The above data are similar to local female crime rates throughout the Gulf region. For example, according to a recent study on crimes by women in Fujairah conducted by Amina Mubarak Abdullah al-Dhahiri of United Arab Emirates (UAE) University, adultery is the most common crime representing half of known offenses, followed by prostitution (13.3%). Furthermore, more than half of detainees were non-Arab Asians. Furthermore, 40% of the female criminals were divorced.⁷ According to al-Dhahiri's interpretation, female criminals in Fujairah are victims of the social and economic disintegration of the family, driving them to commit crime as a solution to their economic problems and the social stigmas they face.

Crimes by Bahraini Women Reported in the Gulf Daily News

The leading English-language daily newspaper in Bahrain, the Gulf Daily News, regularly reports crime stories which are largely accounts of arrests for alleged crimes. Although this does not provide a representative sample of alleged crimes known to authorities, it does provide a

snapshot of potential crimes that are brought to popular attention. In the Gulf Daily News, articles about summary crime statistics are rare, most likely due to the data that is made available to the public from the Ministry of the Interior, and the inclination of newspapers to report only the most serious or violent crimes (“if it bleeds, it leads”).

In a content analysis of all crimes reported during the years 2004 and 2005, 57 alleged female criminals were identified as Bahraini and an additional 18 were citizens of another Arab country. Over 1/3 of them faced charges of prostitution, followed by ten women accused of assault, nine accused of theft, and two were accused of attempted murder. Numerous articles outlined police stings against prostitution rings, including one involving an Egyptian restaurant manageress who allegedly forced her expatriate waitresses into prostitution,⁸ and one about the capture of a 19-year-old Bahraini prostitute who claimed that her family pushed her into prostitution after a divorce, which had left her financially bereft.⁹

Interestingly, crimes involving allegations of sorcery are reported in detail, with numerous columns dedicated to these incidents. In one incident, a jeweler claimed he had been hypnotized by three Arab women who made strange gestures with their hands as he was giving them change for their purchase. After regaining consciousness, he realized that approximately BD580 (US\$1,566) had been stolen from the till. The three Arab women remain at large.¹⁰ Another woman was accused of sorcery by her estranged husband who testified in court that his wife had unleashed demons which were harassing him, his mother and his housemaid.¹¹ In later proceedings, the criminal court abandoned the charges.¹²

Ethnographic Observations of Bahraini Female Offenders

Policewomen in Bahrain work primarily on cases involving female and juvenile victims and offenders. Despite spending approximately four months observing policewomen at work at various police stations across Bahrain, it was found that just over a dozen cases (out of approximately 150 observed) involved Bahraini offenders.

Junaiya: Serial Kidnapping and Theft

Zain,¹³ a 27-year-old psychiatric home nurse, was convicted of kidnapping children at wedding receptions and

stealing their gold jewelry. Following the same method in at least five such incidents in 2005, she would pose as a guest at weddings and lure young girls with sweets into the bathroom or into her car where she would take their gold. She later sold it at the Manama gold suq. At the time that this was being written, Zain had been convicted of two of the eleven charges against her, and sentenced to two years and then three months in prison, respectively. She told the police that her motivation was a desperate need for money, and her nurse's salary of BD450 per month (\$1,215) was insufficient. Only gold from her last heist was actually recovered by police.

During one court proceeding, Zain was accompanied by her husband, brother and mother with whom she appeared to have close ties. In addition, she had a lawyer on retainer, which caused one policewoman to speculate that she could only afford this from the proceeds received from the thefts. Despite Zain's confession which was submitted as evidence by police, in court she denied responsibility for the crimes, saying that the confession was extracted from her after a beating (a charge the police denied and the court did not entertain).

According to policewomen, this was not the first time Zain had been brought into the criminal justice system. At age 14, she was found in violation of the juvenile statute prohibiting running away from home. She had been found by police in the street with local male teenagers during the late hours of the night and early morning.

Jinha: Adultery

Khadija¹⁴ arrived at an urban police station after receiving a summons for allegations of adultery. Her son reported her to the police and provided a digital picture as evidence. The picture shows Khadija in a naked embrace with an Indian man who lived nearby. Khadija adamantly denied the accusations, telling policewomen that the picture had been manufactured. According to Khadija, her son was angry about the amount of money his father was spending on her so that she could live in a separate apartment (Khadija and her husband were separated, but not divorced). She said that her son believed this money was better spent on him.

According to the policewoman, this case was later dropped by the son after police mediation between the mother and son at the police station. As one policewoman explained, “Most of the cases involving accusa-

tions by family members are withdrawn by the plaintiffs,” indicating the role non-prosecutorial solutions play in handling female crimes that occur in a domestic context.

Infractions: Having an Affair and Committing an Immoral Act

According to the Ministry of the Interior, 56% of all criminal cases in Bahrain in 2004 were related to social behavior. Of the few cases that were observed ethnographically, most fell into this category of offenses, and are not punishable by prison time.

Mona¹⁵ was summoned to one of the Kingdom's police stations to answer to a complaint registered by her husband. He believed that she was having a romantic affair with another man because he had caught her making phone calls late at night on her mobile. He submitted a copy of her mobile phone records from the previous month. Mona, shocked and concerned about the allegation, explained that she is a customer service representative at a major bank in Manama. The job often required phone communications after normal business hours. She explained that her husband was merely being paranoid and that the complaint was baseless. She pointed out that the after-hours calls were always made to different phone numbers.

At the time this was being written, the case remains open. The policewoman who took Mona's statement indicated that, although it is difficult to find the truth in conflicts between spouses, which are based on accusations, it is suspicious that Mona was taking client phone calls so late at night when she should be spending time with her family. In addition, the policewoman noted that such accusations usually precede divorce proceedings in the family court. “Spouses make these accusations here first in order to set up their case for divorce.”

In another case, a policewoman, as part of the new community-oriented police force in Bahrain, described how an unmarried 18-year-old woman called Noora¹⁶ was brought into a suburban police station by a policeman after having been seen publicly with a 20-year-old man. The couple was reportedly “together” in public at the suq, but was not seen displaying any affection towards each other. “I felt like it was a lot of drama for nothing; it caused the girl a lot of fear and anxiety for nothing,” the policewoman explained. Although the highest-raking

female officer in the station ultimately let Noora go with a warning, the policewoman indicated that the situation could have been reported to the girl's parents, causing the family pain and social stigma, not to mention a criminal case being initiated. She added that in these situations police discretion plays an important role because full enforcement of certain minor offenses can actually cause more harm than good.

Is there a Notorious Bahraini Female Offender?

Of the above ethnographic observations, only Zain's crimes were covered in the local press. Although the cases provided insight as to how women's social behavior is controlled through criminal law enforcement, none of them seemed particularly juicy or scandalous.

Likewise, in the Gulf Daily News stories from 2004 and 2005, female offenders were reported to be non-violent. With the exception of serial schemes like Zain's, which

involve significant financial loss to the victim and involve child victims, stories about female offenders primarily receive press attention if they involve sexual and religious deviant behavior such as prostitution, adultery and other legally immoral acts. Women's alleged manipulative and secretive nature in conducting clandestine sexual affairs receive the most attention. Allegations from estranged husbands of “sex and sorcery sessions” took top billing.¹⁷

Unable to find a single case involving a Bahraini woman that truly captured the public's imagination in the last two years, I asked several policewomen and a policeman, if

they knew of a case in Bahrain's modern history that might qualify. Each recalled the following case from 1987 and referred me to the archives of the Gulf Daily News and the Arabic language paper, *Akhbar al-Khaleej*.

Wafa'a Jassim: Bahrain's most Notorious Female Criminal

The most notorious female criminal in modern, Bahraini history was herself a victim of violent crime. The story unfolded in a dramatic fashion in the press, starting with the discovery of the victim's body in the desert area of Sakhr on June 5, 1987. Waleed Buallai's body was marred by tire tracks and a knife wound in his lower abdomen. Meanwhile, his missing Range Rover led the authorities to appeal to the public for help in locating it.¹⁸ The car was later found submerged in the sea near Asry

The most notorious female criminal in modern Bahraini history was herself a victim of violent crime

Female criminals in Bahrain overwhelmingly commit non-violent crimes

dry dock.¹⁹ On June 14, 1987, an arrest was made in the case, but the public had to wait several more days before the police revealed that a married couple, Abdulrahman Abdullah MUSAFAER and Wafa'a JASSIM MALALLAH, were allegedly responsible.

The couple was charged with jointly committing a premeditated murder among other charges,²⁰ and prosecutors called for the death penalty.²¹ During the trial, newspapers exposed graphic details of the crime based on confessions given by both the suspects and forensic evidence. Trial testimonies revealed that Wafa'a JASSIM met BUALLAI at a Bahrain country club where she worked and he was a member. According to JASSIM's testimony, and backed up by a forensic psychiatric evaluation, she had been violently raped by BUALLAI over an 18-month period. During this ordeal, he threatened to kill her sister if she did not continue to have sex with him.

At one point, JASSIM asked BUALLAI to marry her because he had taken her virginity. He refused and stated that unless she continued to have sex with him, he would tell her family and friends that she was no longer a virgin. JASSIM eventually married co-defendant MUSAFAER, but BUALLAI continued to request meetings with her.²² According to JASSIM's testimony, she did not report the rapes to the authorities out of her fear of BUALLAI and his threats.²³

JASSIM confided in her husband, MUSAFAER, that BUALLAI had repeatedly raped her and that she desired to take revenge by killing him and she asked him to help her. According to MUSAFAER's testimony, he initially said he would not do it because the penalty for revenge murder in Islam is death. However, shortly before the crime, he changed his mind. The couple then agreed to lure BUALLAI into the desert on the pretense that JASSIM wanted to have sex with him, and kill him by beating him with a baseball bat.²⁴

According to the defendants, and backed by forensic evidence, on the night of June 4, 1987, JASSIM encouraged BUALLAI to drink until he became totally intoxicated. She then told him to drive out to a remote area of SAKHIR where she had secretly agreed to meet with MUSAFAER and carry on with the plan. BUALLAI was lying on a carpet in the desert asking JASSIM to make love to him when, in a change of plans, JASSIM stabbed BUALLAI "below the

navel" with a knife she had found in his car.²⁵ Shortly thereafter, MUSAFAER arrived to the scene in his car. BUALLAI staggered bleeding. MUSAFAER hit him in the head repeatedly with the baseball bat until it broke.

Thinking that BUALLAI was dead, the couple attempted to leave the scene, but BUALLAI began to stir and show signs of life. MUSAFAER then repeatedly ran over him with the deceased's car until he died. They left BUALLAI's body in the desert and dumped his car in the sea. The trial judge found both guilty of premeditated murder, and sentenced JASSIM to ten years imprisonment and MUSAFAER to a life sentence.²⁶ According to the judge, JASSIM's sentence was reduced from life imprisonment to ten years because she had been BUALLAI's rape victim.²⁷ JASSIM has since finished her sentence and has been released.

The case captured the public's imagination and triggered some soul-searching about violence against women, and whether revenge killings by female rape victims should be tolerated. Next to daily accounts of trial testimonies, a series of articles about the prevalence of rape in Bahrain was published by The Gulf Daily News, including a tally of known rape cases since 1980 (20 cases), as well as anonymous first person accounts of rape incidents. A special feature on the role of policewomen in investigating rape cases and descriptions of how forensic evidence is collected during rape investigations were also published.²⁸ JASSIM, always referred to as a "housewife" despite her prior employment history, was construed as a traumatized rape victim whose scarred psychological state drove her to kill. Her story sparked a kind of feminist consciousness whereby the violence that women faced from boyfriends, husbands and other family members behind closed doors, was emerging into the light of day.

In *Akhbar al-Khaleej*, the case rarely left the front page and coverage tended to focus on the graphic details of the crime, its revenge aspect (*intiqam*), and the punishment (*aquba*) appropriate under both criminal law and Islamic traditional law.²⁹ Special emphasis was placed on MUSAFAER's testimony, suggesting that JASSIM's overwhelming need for revenge and her manipulative talent in convincing him to help her were the true driving forces behind the crime. JASSIM was portrayed as an

irrational woman, and MUSAFAER was caught between trying to control her irrationality, and wanting revenge himself for the harm that had now befallen him through marriage. The central role of a woman's virginity as a symbol of her and her family's honor is a traditional, cultural value in the Arabian Gulf which remains palpable until the present day, despite the multitude of cultural influences from Western media and entertainment. JASSIM's desire to take part in the killing of BUALLAI herself, and not leave it to her male kin, represents a variation on this tradition.

According to the police talking to me about the case, the informal chat in living rooms and cafes around Bahrain was even more tantalizing than what the press had to offer. Bahraini popular opinion reflected a sense that BUALLAI deserved what had happened to him and that, as one put it, his death was "good riddance." This was echoed by JASSIM's lawyer when he argued before the court that BUALLAI "caused his own death" by perpetrating the brutal rapes.³⁰ The defense attempted to capitalize on public sentiment and sway the trial in its favor, driving the prosecution to make an unsuccessful bid for the trial to go behind closed doors.³¹

However, what went unreported in the newspapers yet was widely known was that BUALLAI had a reputation of being an adulterer having relations with many women. As a friend of the victim put it, "...he was a man who had many relationships with women."³² Moreover, he had a reputation of forcing women into sex, and one of my police informants suggested that perhaps the government knew this before the murder. According to Bahrainis who remember the crime, BUALLAI worked for Bahrain Defense Force (BDF) and may have been protected by the military establishment – from reasons of apprehension and accountability – for earlier incidents of sexual violence against women.

Interestingly, newspaper accounts never revealed the victim's occupation, ostensibly to downplay any suspicion that BUALLAI's prior behavior had been ignored by the BDF. Gulf Daily News accounts consistently referred to him as a "father of two"³³ and *Akhbar al-Khaleej* referred to him as a Bahraini "citizen."³⁴ Among Bahrainis, the informal discussions of JASSIM's murderous *intiqam* centered on whether worldly justice could ever accomplish

the judicial principles of Islam given the nature of political and military authority in Bahrain. The murder case essentially became a fill-in-the-blank critique depending on one's political perspective. BUALLAI got away with rape for a long period, and JASSIM and MUSAFAER embarked on vigilante justice, because perhaps – at that time – the government was seen to be corrupt, patriarchal, unrepresentative (Sunni, when the majority are Shi'ite), authoritarian, and un-democratic.

A single, high-profile case can bring out more debate and soul-searching in society than a string of small cases or the welcomed governmental transparency of official crime statistics. Public attitudes are not the result of a cold determination of the facts. This fallacy of a "rational" and "concerned" public lies at the heart of many criminologists' frustration with the media. Instead, public opinion is primarily, and perhaps exclusively, the product of concerns with social power and the related symbolism evoked by crime and punishment.³⁵

JASSIM's revenge killing was a morality play for Bahrainis and reflects Katz's notion of ritual moral sagas published for mass consumption. Many asked themselves and each other, referring to JASSIM and MUSAFAER, 'What would you have done if you were her, or him?' Answers to this question revealed one's orientation in the socio-political climate of the time. Indeed, from this notorious crime and the surrounding buzz in the media and in cafes, a snapshot of the concerns of the Bahraini public – the meaning of justice in Islam, the legitimacy of the criminal justice system, and the problem of violence against

women – gained visibility.

Conclusion

Since 1987, such a crime has not been repeated. Although many crimes perpetrated by expatriate women have captured public attention, such as an Ethiopian housemaid's brutal slaying of her employer with a machete, Bahraini women are rarely caught committing acts of violence. Bahraini women continue to commit non-violent crimes primarily in violation of social behavior laws. Media constructions of Bahraini female offenders tend to highlight the sexual and religious deviance in their alleged criminal behaviors. With the exception of Wafa'a JASSIM, Bahraini female criminals are overwhelmingly not so notorious.

Policewomen in Bahrain work primarily on cases involving female and juvenile victims and offenders

... Bahraini women are most often incarcerated for crimes related to socially deviant sexual behavior

Endnotes

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'Sisters of Mercy'

The Story of Rana Koleilat and Joumana Ayyas

■ Omar Nashabe

Criminologist

On March 15, 2006, Rana Koleilat was found bleeding in her Sao Paulo prison cell. Brazilian police claimed, however, that she was not seriously injured, and was only trying to attract attention to her plight. Meanwhile, Joumana Ayyas, Rana's alleged partner in crime, was still quietly incarcerated in Lebanon.

The Lebanese Government had asked Brazil to extradite Koleilat on charges of fraud, embezzlement and forgery. Koleilat and her alleged partner in crime, Ayyas, are accused of mail fraud, wire fraud, bank fraud, obstruction of justice, and extortionate extensions of credit.

The plaintiff in the case is the Saudi-Lebanese businessman Adnan Abou Ayyash, Al-Madina Bank's former Chairman. The Lebanese Central Bank is also a plaintiff and is demanding US\$800 million as financial compensation for malpractice and forgery.

Defendants include the alleged mastermind of the fraudulent scheme, former Al-Madina executive Rana Koleilat, her personal secretary Joumana Ayyas, and others.

American law firm Hughes Hubbard is also asking for

more than US\$1 billion in damages as a result of the collapse of Lebanon's Al-Madina Bank in February 2003. The complaint was filed in the Southern District of New York in November, 2004.

Rana Koleilat, her personal secretary (who is also her uncle's wife) Joumana Mohammad Ayyas, her twin brothers Bassel and Taha, her partner Rene Moawad, and other managers and employees in the Al-Madina Bank and its sister bank, United Credit Bank are all accused of involvement in corruption and money laundering that led to the collapse of the bank.

Rana Koleilat claims that she is innocent and blames the case on a series of misunderstandings with the Abou Ayyash brothers.

In the Beginning

Rana Abdel-Rahim Koleilat was born on January 23, 1967 and grew up in the Ras-El-Nabeh neighborhood in the heart of Beirut. Her father, Abdel-Rahim Koleilat, was a police officer in the Lebanese Internal Security Forces, and her mother, Masarra Sanadiqi, taught Arabic literature at a local public school. In 1970, Koleilat's twin brothers, Bassel and Taha, were born.



A copy of Rana Koleilat's British passport

From her earliest days as a high school student, Rana appears to have been highly driven by a sense of adventure. She completed her high school education at a Christian religious school named *Rahibaat el Mahabbah* or the Sacred Heart School (which could also be interpreted as the 'Sisters of Mercy') in the Clemenceau neighborhood, where she earned her baccalaureate degree with an emphasis in science.

Determined to get her career going, she traveled to Geneva to complete undergraduate studies in Banking and Finance. In Geneva, she showed a high degree of skill. Her academic supervisor advised her to meet Dr. Adnan Abou Ayyash, a wealthy Saudi-Lebanese engineer and businessman based in Saudi Arabia.

Rana Koleilat joined Al-Madina Bank in 1985 and became Ibrahim Abu Ayyash's Executive Secretary. He was the bank's General Manager and Adnan Abou Ayyash's brother. A few years later, Koleilat was promoted and became a senior bank official whose specific responsibility was to liaise with the Central Bank of Lebanon. However, her executive powers within the bank were much broader than that.

The reason Koleilat was granted such significant power – enough to control the entire bank's activities without supervision – is still unclear.

In interviews published in the Lebanese press, Koleilat claimed that she was married to Adnan Abou Ayyash from 1992 until 2002. During that period, Rana, along with her aunt Joumana and her two brothers Taha and Bassel, were leading a remarkably lavish and luxurious lifestyle.

Undeniably, by virtue of their wealth, the Koleilats rapidly became one of the leading "nouveaux riches" families

in Lebanon, and developed what seemed to be a network of interests and business connections locally, regionally and internationally.

Transfers to Prevent a Liquidity Crisis

In November 1999, Koleilat allegedly carried out a series of forgeries and transferred funds into "dummy" accounts at the Al-Madina Bank and the United Credit Bank. By November 2002, Abou Ayyash had unsuspectingly transferred 670 million USD into one of the phony accounts. Abou Ayyash quickly transferred 470 million USD from his personal savings into the Al-Madina Bank in an effort to prevent a liquidity crisis allegedly brought on by Rana Koleilat.

In 2003, the Lebanese media reported that over a billion dollars worth of assets had simply "evaporated" from the Al-Madina Bank.

Depositors filed legal complaints against Rana Koleilat and the Abou Ayyash brothers. The plaintiffs against Rana Koleilat were Saleh Assi, Ismail Bazzi, Imad Hariri, Abdel-Latif Haidar, Ismail Ramadan and Rula Soueid.

In December 2003, following their lawsuits, Rana Koleilat and Joumana Ayyas were arrested for their alleged involvement in the siphoning of money from the plaintiffs' accounts. However, following settlements with each of the plaintiffs, including a settlement worth US\$2.5 million with Rula Soueid, the charges against Koleilat were dropped and she was released on bail in December 2004.

Koleilat disappeared. Several unreliable reports claimed she had been killed and others claimed that she had traveled to Egypt with a fake passport.

Rana Koleilat reappeared in Sao Paulo, Brazil and it turned out that she was using her original British passport.

Connections

Koleilat used US bank accounts and made wire transfers through New York. There is also a related case involving a multi-million dollar check drawn out from Abu Ayyash's account, but which was allegedly deposited without his authorization.

The arrest and release of Rana Koleilat made front-page news in Lebanon, as did the unexpected decision by Lebanon's Prosecutor-General to end his probe of the Al-Madina Bank scandal, as it was coined.

Fortress Global Investigations (FGI), an international private investigations firm, referred Adnan Abu Ayyash to



Rana Abdel Rahim Koleilat escorted by Brazilian federal policemen into a police station in Sao Paulo on March 14, 2006. (REUTERS)

the Hughes Hubbard law firm. Hughes Hubbard is working with FGI to find evidence in support of Abu Ayyash's claims. It is believed that Rana Koleilat was tracked down in Brazil thanks to information gathered by FGI.

Various local and international press accounts have highlighted possible connections between the Al-Madina Bank scandal and the former Iraqi regime as well as high-ranking Syrian and Lebanese intelligence officials. In a recent article published in the Lebanese Daily Star newspaper, Koleilat accused Rustom Ghazaleh, the former Syrian intelligence chief in Lebanon, of extortion.

Researchers and journalists seem to have been given very few opportunities by the authorities to investigate clues regarding the political corruption surrounding the scandal. The late journalist and Member of Parliament, Gibran Tueini, who was assassinated on December 12, 2005, had repeatedly condemned the way in which former Prosecutor-General and former Minister of Justice, Adnan Addoum, had handled the scandal, and accused him of "covering up" the case for political reasons.

Looking Ahead

Koleilat was arrested on March 12, 2006 in Sao Paulo for attempted bribery and on allegations that she was somehow connected to Former Prime Minister Rafik Hariri's assassination on February 14, 2005. She slit her wrists and was taken to the hospital and given two stitches. Martins Fontes, Sao Paulo's Chief of Police, insisted that it was a call for attention and not a real suicide attempt.

Current accusations against Koleilat are perhaps the most significant to date. Al Jazeera television reported that "UN

investigators told police they want to question her [Rana Koleilat] in connection with the February 2005 assassination". The UN commission investigating Hariri's assassination, however, is cautious about revealing the identity and/or involvement of its witnesses for evident security reasons. Their

spokesperson has not acknowledged or denied whether Koleilat is wanted for questioning.

However, in an article on Beirut in Fortune Magazine, there were speculations that the bank scandal, its ensuing collapse, and the Hariri assassination may be linked. While it has not yet been proven, there are speculations that the plot to assassinate Hariri was actually funded by the Al-Madina Bank, bringing Rana Koleilat to the forefront of a political and judicial battle for money and power.

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Women's Crimes and the Criminalization of Sex

■ Sherifa Zuhur¹

Research Professor of Islamic and Regional Studies, Strategic Studies Institute, U.S. Army War College

The penal or criminal codes of the Middle East and the Islamic world essentially treat women as reproductive beings whose sexuality must be constrained by men, the family and the state. Those interested in the evolution of laws should take into account the incomplete Islamization of customary or tribal law (*urf*, but as this is not monolithic, *ʿaraḥ* is more accurate) followed by legal codification in most countries that introduced principles of pre-modern Western laws. These codifications transferred authority over women (and their bodies) from their extended families to their husbands, or governments serving as the guardians of public order. Consequently, different legal and cultural principles co-exist. A few years ago, I analyzed laws affecting the following issues in the region: rape, adultery, honor killings, wife-beating, murder of, or by women, abortion, infanticide, sex trafficking, sex work, sexual abuse, female genital mutilation (FGM), incest, homosexuality and transsexuality, and new reproductive technologies.² A few of these issues are considered here.

Adultery

Many assume that adultery is not criminalized in modern or Western legal codes as it is in *shari'ah*. This was not the case in the past. Guardianship of a woman shifted over to

her husband, from her own clan, and he could defend his honor under the European legal codes. These codes provided the model for legal reform in the Middle East and North Africa. Hence, the exemption or reduction of penalty in the event he or another male family member murdered or injured the female adulterer, or "offender." The modern codes of Syria, Lebanon, Egypt and Iraq all resemble Article 188 of the Ottoman 1858 Penal Code, as well as Article 324 of the 1810 French (or Napoleonic) penal code.³

Under *shari'ah*, as in *urf*, (customary or tribal laws) adultery and fornication, or *zina*, is one of the seven most serious crimes. Sexual activity for women is only licit within a legal, or legitimately contracted marriage. Men should also be punished for sexual activity outside of licit relationships, but they could contract marriages with as many as four women, and have sexual relations with their slaves or concubines in the past, and Shi'i men could additionally contract temporary marriages. It must also be said that the historic attitude toward honor – that a woman's sexual honor must be defended and maintained by her male relatives – as reflected in customary laws obviously influenced extra-judicial treatment of adultery, and its subsequent treatment in Muslim societies and under more modern penal codes.

In *shari'ah*, these most serious crimes could warrant the most serious penalties, the *hadd* category. These include lashings, stoning to death, and other forms of death sentences now strongly criticized by the international community. Some experts explain that we should understand that centuries ago, imprisonment or enforced labor would have been more cruel; and a main aim of severe punishments was to deter crime. Under the second category of crimes (*qisas*) retaliatory punishments (to the same degree of injury or payment) served to contain spiraling clan warfare, but were themselves derived from tribal law. Those accused of *hadd* crimes were supposed to admit they had committed them willfully, and judges had a wide range of extenuating circumstances to consider and had the right to reduce penalties to lesser categories of punishment.

Some Muslim thinkers have challenged the stringent *hadd* penalties like stoning for a married adulterer,⁴ while others argue for their reformation, or observance even where other civil penalties have replaced them. The penalties for false testimony in such a case are severe, so four witnesses of impeccable character should be required in order to pursue such cases. In countries which have or had re-adopted the *hadd* punishments based on Quranic verses,⁵ (Libya, the Sudan, Iran, Afghanistan under the Taliban, the northwest province of Nigeria, Saudi Arabia, and others), such penalties severely compromised women's rights. Conservatives respond that Islam's deep concern for society and the family is at stake here, and that Western laws fail to penalize immorality, drunkenness and atheism, or even treat them as "social graces."⁶

In the Iranian Penal Code, there are several points of interest. First by virtue of the ranking of crimes, adultery is a more severe offense than murder, or manslaughter, and has taken on its more modern meaning of an offense to public order, as well the classical implication that a woman has misused her husband's property (her body). And certain evidentiary rules are discriminatory, even though they have been modernized. In older sources on *shari'ah*, women were not allowed to testify in *hadd* cases at all. In Iranian post-revolutionary law, women's testimony submitted without that of two men will not only be rejected as proof, but may also serve to invalidate the adultery case. Yet, women may testify. These articles illustrate these ideas:

Article 74. Adultery, whether punishable by flogging or stoning, may be proven by the testimony of four just men or that of three just men and two just women.

Article 75. If adultery is punishable only by flogging it can be proven by the testimony of two just men and four just women.

Article 76. The testimony of women alone or in conjunction with the testimony of only one just man shall not prove adultery but it shall constitute false accusation which is a punishable act.

The punishments for *zina* are described in detail in the Iranian penal code. International outcry has continued over such punishments and executions.

Article 100. The flogging of an adulterer shall be carried out while he is standing upright and his body bared except for his genitals. The lashes shall strike all parts of his body - except his face, head and genitals - with full force. The adulteress shall be flogged while she is seated and her clothing tightly bound to her body.

Article 102. The stoning of an adulterer or adulteress shall be carried out while each is placed in a hole and covered with soil, he up to his waist and she up to a line above her breasts.

Theoretically, if the person who is being stoned manages to escape, then he or she should be allowed to go free. However, in such cases, the crowd has often intervened.

For Muslim conservatives, these punishments are part of the sacred law, so their conversion to matters of lesser importance in modern legal codes is part of a moral argument. Muslim moderates may point to the fact that various rules pertaining to slaves are also part of *shari'ah*, but a shift in international laws has altered the situation. One response – that one should employ *ijtihad* (a method of achieving legal decisions through independent interpretation of the sources of Islamic law) to reform conditions no longer appropriate to the era, is contested by those who view the *shari'ah* as an immutable body of law.

Those who defend Islamic legal theory and argue the difficulty of proving adultery when four witnesses are required do a disservice to our understanding here. First of all, when such witnesses are lacking, the system of oath-swearing in *shari'ah* allows these cases to proceed. Secondly, as was mentioned in some schools of law, for instance the Maliki, *madhhab*, pregnancy is taken as evidence of *zina*. This was seen when Nigerian teenager Bariya Ibrahim Magazu, was publicly whipped for *zina* after being raped or sexually used by several men, and in the case of Amina Lawal, when a similar sentence was handed down and revoked, or in that of Safiya Hussein, sentenced to death by stoning in October 2002 but who won an appeal.⁷ Many such accusations used the charge of "seduction" which carried a lesser penalty, usually a fine. The seduction of a virgin was considered more serious, and the fine went to her father rather than her husband.⁸

In the Bariya Ibrahim Magazu case, one observer noted that a defense constructed within the rationale of Islamic law could have been argued on the following points:

1. Bariya claimed that she was compelled to have sex with these three men as payment for her father's debt. Thus her *zina* crime was coerced. *Zina* is defined as willful, not coerced sex.
 2. The Maliki *madhhab*, or school of jurisprudence allows for circumstantial evidence in *hadd* cases. It was inappropriate to allow one kind of circumstantial evidence (her pregnancy) but not another, her testimony or others' regarding evidence of physical resistance, or her assertions soon after the crime.
- The Maliki school is the minority opinion, while the "majority" (other schools) do not allow pregnancy to serve as proof of *zina* without witness testimony. So, the Nigerian court should defer to majority opinion.⁹ However, this particular argument flies in the face of local tradition. To this, we could add that
3. *Shubha* (doubt) should have been registered given the circumstances. The presence of doubt has historically mitigated a judgment of criminality or sentencing in this type of case.¹⁰

The sentence was carried out on Bariya extra-judicially and without proper notice to the girl's attorneys. She was left to crawl back to her village after her whipping. It was reported that the Governor of Zamfara was infuriated by the many letters received regarding this case from Western and non-Nigerian protesters.

Adultery is differentiated from rape because it is assumed to be consensual. When rapists claim that their victims consented to sex, then the penalties for adultery may be invoked against the victim. This has occurred in Pakistan and led to reform initiatives that address the treatment of *zina* under the *Hudud* ordinances. The witness system can be misinterpreted as well, as has occurred in rape cases in Pakistan where women were told they must provide the four witnesses to their rape, otherwise they might be charged and punished for *qadhif*, false witness.

Adultery is sometimes treated as a crime when women commit it, but not when men do so, and in some countries, it is no longer a crime. For instance, in Tunisia, only women could be punished for adultery prior to 1968, but now the law has been equalized.¹¹ In Turkey, the crime of adultery by women (Article 440) and adultery by men (Article 441) were annulled from the penal code. However, proof of adultery can still serve as grounds for divorce.¹²

In some cases, the laws pertaining to adultery discriminate against women, because the penalties are more stringent for women, and the offense is defined differ-

ently for men as compared to women. Article 274 of the Egyptian Penal Code specified a sentence of not more than two years for a married woman who commits adultery, yet a sentence for a man's act of adultery should not exceed six months.¹³ According to article 277 of the Egyptian Penal Code a man's adulterous act is considered as such only if it takes place in the marital home, and he could face a sentence of six months in prison, but a woman would receive a two year imprisonment.¹⁴ If he were to find his wife at home during an act of adultery and to kill her, his sentence could be reduced, but if she were to murder him in the same situation, she would be sentenced to fifteen years with hard labor. The Egyptian legal and human rights community has actively pursued reforms of these laws,¹⁵ however social attitudes towards men's adultery as compared to women's are still distinct, and the judiciary also reflect these social attitudes.

Besides the severity of punishment for the actual crime of adultery, the use of such accusations to intimidate victims of sexual crimes reinforces women's lack of access to adequate legal status and protection. In addition to the unfortunate connection of adultery with rape, penalties for crimes of passion resulting from adultery provide legal exemption for those who commit honor killings.

According to Article 630 of the Iranian Penal Code, if a man witnesses his wife committing fornication (*zina*) with a stranger and knows that she is a willing participant he may kill both parties. However if she has been coerced, he may kill the man. The Syrian Penal Code (Article 548.1 pertains to an exemption of penalty which 548.2 outlines a reduction of penalty) extends his privilege to other female relatives caught in a "suspicious state" and Article 18 of the Moroccan Penal Code, offers similar considerations as 548.1 above, but only to a wronged man, not to a wife, or woman. Similar discrimination exists in the parallel law in Egypt with further elaborations. Under Article 237 of the Egyptian Penal Code, if a man surprised his wife in an adulterous act and killed her, he will be imprisoned for 3 to 7 years, rather than receiving a life sentence, but women cannot qualify for the commuted punishment. As mentioned above, in the Egyptian Penal Code, a man's act of adultery is adulterous only in the marital home (Article 277) but a wife is adulterous outside, or inside the marital home, and need not be found *en flagrante delicto* for the husband to benefit from the defense of inflamed emotions.

When activists took an appeal addressing these laws to Egypt's Supreme Constitutional Court, Awad El Murr, the former head of the Constitutional Court strongly opposed any reform, saying, "We have to allow for the individualisation of punishment and we have to take into consideration the emotional state of the perpetrator

when he committed the crime. This prerogative is given to judges in the West as well."¹⁶ Other commentary on honor crimes has been discussed elsewhere in this issue, but it is important to remember that these may or may not involve any actual act of adultery, sometimes merely suspicion or gossip is the cause.

In Najaf, Iraq, it has been reported that a shari'ah court detains women for the charge of adultery. They are given two chances and must swear not to commit adultery again, then on the third offense, they are caned.¹⁷ Iraqis may also go to a civil court, so questions should be asked about the efficacy of civil law when a population prefers to obtain a shari'ah ruling.

A woman's adultery may also impact family law, for instance to establish *nasab*, or paternity claim, and possibly, adoption. Lynn Welchmann explains that nearly 12,000 cases of denial of paternity are processed annually in Egypt. For married couples the claims are routinely rejected; the child is considered to belong to the marriage (and to its father) whether or not adultery (the woman's) was committed. Some of these cases might emerge from *li'an* procedure (which predated and was incorporated into shari'ah) when a man suspects his wife of adultery, divorces her and then wants to deny her child's paternity.¹⁸

Abortion

In recent years, many Muslim scholars have issued prescriptions on abortion, one of the many bodily rights now legislated by modern states. Islamic law usually accords fetal rights equal to the mother's after four months. This point in time (120 days) is the crucial event for jurists, at which point the fetus is "ensouled." Historically, various attitudes and opinions on abortion coexisted, with Hanafi scholars permitting abortion up to that date, allowing women to abort even without their husbands' permission.²⁰ Most Maliki opinions prohibited abortion, but a smaller number allowed it up to 40 days, while Hanbali and Shafa'i jurists allowed abortion up until differing dates, and Zaydi jurists permitted it "unconditionally" until ensoulment.²¹

Muslim women and men in earlier eras resorted to various forms of birth control, including abortion. Basim Musallam points out that some jurists strengthened their arguments supporting withdrawal, for instance, by arguing that it was preferable to abortion, but also that the arguments which supported contraception could strengthen those defending abortion.²² With a lengthy history of these practices, it is startling to read in the media, or in mosque-produced literature that abortion is absolutely forbidden in Islam. Perhaps it is the politically-charged nature of the issue that has caused conservative Muslims to align with Catholics and

other Christian opponents of abortion, as when the Saudi Minister of Education, Muhammad al-Rasheed described abortion as "premeditated murder."²³

Despite the differing views on abortion and the fact that some Muslim jurists have considered it lawful, it is criminalized in the penal laws of most Muslim/MENA countries, although Tunisia as part of its active family planning campaign liberalized and then made abortion available in 1973. In Turkey, abortion has been available since 1983, but spousal and parental approval (if the girl child is younger than 18) were required as of 1999. Soviet-influenced countries, in order to enhance production, generally permitted abortion, as in Armenia, Azerbaijan, Georgia, Kazakhstan, the Krygyz Republic, Tajikistan, Turkmenistan, and Uzbekistan, abortion was available without restrictions.

Lebanon is considered by many in the Arab world to be "permissive," but this is a misconceived equation of modernity with the social and legal treatment of women, probably deriving from the country's reputed tradition of free publication, and the mixing of the sexes in some areas of the capital as compared to more sex-segregated Arab societies. In Lebanon, abortion and birth control are anathema to several religious communities. Under Articles 539 to 546 of the March 1, 1943 Penal Code (1983 version) abortion was completely illegal, carrying a sentence of 6 months to 3 years in prison for a self-induced abortion and 1 to 3 years in prison for anyone else performing an abortion, with five years of forced labor if the woman's consent was not given, and health professionals could be barred from practicing. Presidential Decree No. 13187 (October 20, 1969) permitted abortion if a woman's life is in great danger.²⁴

In Jordan, abortion is criminalized under Law No. 16 from the year 1960. However, as in Lebanon, abortion may be resorted to in order to save the mother's life or her health under Public Health Law No. 20 of 1971 (section 62 a).

The philosophies inherent in the modern laws do not represent a simple division into two groups, either Western or shari'ah inspired. For instance, Mauritania, a former French colony, has now incorporated many provisions from shari'ah into the laws dealing with women. However, the relevant sections of the 1983 Mauritanian Penal Code dealing with abortion actually come from the Napoleonic Code of 1810, which was followed by the 1939 penal code. In line with the thought of the time, and France's Catholic majority, that code and its Mauritanian expression made abortion illegal, penalizing practitioners (1 to 5 years in prison and a fine of 10,000-2000,000 U.M. (*ouguiyas*), a lengthier sentence for habitual or regular abortionists, and 6 months to two years for a self-induced abortion plus a fine of 5,000-6,000 U.M.²⁵

Abortion laws in Iran reflected a movement toward and then, away from Western models to an even stricter interpretation of shari'ah than previously existed. Under the reign of Shah Muhammad Reza Pahlavi, abortion was illegal prior to 1973 except to save the life of the mother. Article 182 of the penal code called for a sentence of up to 3 years in prison for the use of any medication or substance causing abortion, unless the woman's husband had ordered the operation, then he was punished in the woman's place. Under Article 183, medical practitioners could receive 3 to 10 years of forced labor if they performed an abortion.

By 1976, physicians could perform abortions if the woman was less than 12 weeks pregnant, permission of parents was provided, and the couple provided social or medical grounds for the procedure under an amendment of the Penal Code. If the woman was married, or suing for divorce, her husband's consent was necessary.

Following the Islamic Revolution in Iran, the Penal Code of 1991 classifies abortion as a *qisas* crime which requires *dhiyah* to be paid on behalf of the fetus to the relatives. The amount of the blood money (*dhiyah*) increases according to criteria of the development of the fetus from 20 dinars up to a full *dhiyah* of 1,000 gold dinars, or 10,000 dirhams, or specified numbers of animals if the fetus is "ensouled." These developmental stages are based firstly on Quranic passages XXII:4 and XXIII:12-14 which describe the formation of *nutfa*, *'alaqa*, and *mudgha* (semen, a bloody clot, and a lump of flesh) and then, in the hadith, these stages were divided into periods of 40 days.²⁶ The *dhiyah* can only be paid to a woman who has been forcibly aborted, or injured so as to abort, and its original purpose was to compensate the patrilineal family, i.e. her husband's family for the loss of the new family member. However, very recently, on July 20, 2004, the Iranian Parliament has approved a draft bill, permitting abortion up to four months if the mother's life is in danger or if the fetus is malformed. Iran, like other MENA countries has acknowledged a population growth problem and though abortion is punished as compensation to the head of the family, family planning, including male sterilization is strongly promoted. Families with more than three children are discouraged through elimination of various state benefits.²⁷

Other MENA/Muslim countries include one, or more grounds under which abortion can be permitted.²⁸ Egypt, Syria, Lebanon, Indonesia, Brunei, Yemen and Libya criminalize abortion except to save the mother's life. In Morocco, Algeria, Pakistan, Malaysia and Saudi Arabia abortion can only be permitted to save the mother's life, or to preserve the woman's physical or mental health. The Sudan, Iraq and Israel also allow abortion in

cases of rape and incest, and Qatar permits it to save the mother's life, or health, in case of rape and fetal impairment.

In recent years as the majority of the Republican Party in the United States has promoted an anti-abortion, and pro-virginity (rather than sex-education) platform, we have seen ominous alliances between the US administration, the Vatican, and the governments of Iran, the Sudan, and others in the large international meetings that consider women's rights to their own bodily integrity. It is certainly not a given that women will win rights to control their own reproductive life and sexual behavior, nor that the "West" (if that means the United States) will support them in doing so, rather they will have to fight for these rights.

Homosexuality / Transsexuality

Under shari'ah, the crime of *zina* included homosexual acts. Nevertheless, the historical record suggests that homosexuality was often ignored, or tolerated, with periodic crackdowns. Quranic verses condemning sex between men are found in *Surah* VII:80-1, XXVI:165-166 and IV:16, and imply the natural condition of heterosexuality, but there are no specific punishments mentioned.²⁹ Various hadith refer to the Prophet's abhorrence of homosexual acts. In *adab* literature, Jawami' wrote about the whore of Mecca who researched other women's lesbian preferences. The women she interviewed stated their reasons for their preferences to be mainly "out of fear of pregnancy" and men's desire to avoid the responsibilities as parents were echoed in other belles lettres of that era.³⁰ Yet, forms of birth control were known and employed,³¹ and any preference for the same sex could not have been entirely due to this rationale.

Modern legal codes treat homosexuality both as an offence against society, public order and morality and as a crime with a fine or prison sentence. In the Islamic Republic of Iran, sodomy has been classified as a *qisas* crime, punishable by death, or if confessed less than four times, by flogging. Lesbianism is punishable by 100 lashes under Article 129 of the Iranian Penal Code (Articles 127 - 134) unless the lesbian repents, and Article 134 defines a lesbian act as two unrelated women who "stand naked under one cover without necessity."³²

In Turkey, homosexuality is no longer criminalized, but homosexuals and transsexuals may be charged with "indecent and offenses against public morality" covered by Articles 419, 547 and 576. In Iraq, under Saddam, homosexuality between consenting adults was not penalized, but the 1969 Penal Code assigns a 7 year sentence for sodomy with a minor ages 15 to 18, and 10 years for a minor under

14. In Syria, a one year prison sentence according to Article 520 of the penal code of 1949 could punish homosexuality.

In Morocco, the Penal Code section 489 (November 26, 1962) punishes same sex "lewd or unnatural acts" with a prison sentence of 6 months to 3 years and an additional fine. In Algeria, the 1984 family code, rather than the penal code prescribes a 2 month to a 2 year sentence for homosexual acts (any) under Article 338 (June 19, 1984) and a fine, with additional prison time and fines if one partner is under 18. However, a different law (82.04) refers to an outrage to public decency which can result in a lengthier prison sentence of 6 months to 3 years.

Bahrain's Penal Code Article 377 punished sodomy with deportation for 20 years, imprisonment for 10 years or a fine. In 1956, the new penal code called these acts, "unnatural sexual offences" which might involve corporal punishment and imprisonment of no longer than 10 years.

In Egypt, in 2001, 52 men were arrested, held and put on trial on charges of "obscene behavior" with "contempt for religion" by the Emergency State Security Court for Misdemeanors. The charge of obscene behavior within Law No. 10 of 1961 on the Combat of Prostitution allows for a sentence from 3 months to 3 years, while "contempt for religion" falls under Article 98(f) of the Penal Code and carries a prison sentence from 6 months to 5 years. Only two of the defendants in this case were faced with the second crime, and a number of the cases were dropped, but 23 were sentenced, and this particular court does not permit an appeal. It is possible that increased gay internet activities (monitored by state security) and the Islamist impact on public attitudes concerning homosexuality and Western influence led to this incident. Egyptian authorities rebuffed communications from international organizations on behalf of the plaintiffs.

Saudi Arabia treats homosexuality as "carnal knowledge against nature" and it may be punished as a crime of fornication according to the local interpretations of shari'ah. The Judicial Board there, has referred in the past to the works of Hanbali jurist Mar'i ibn Yusuf al-Karmi al-Maqdisi (d. 1033/1624) who wrote that sodomy must be punished as fornication. There are numerous reports of beheadings, including those of 3 Yemeni men found guilty of engaging in homosexual acts and molesting young boys and put to death in Jizan in July of 2000 and Saudi men executed in Abha in the same month. Some observers argue that there is a tolerance of homosexuality, but that certain severe or serious cases are pursued.

The Taliban punished homosexuals by toppling a wall onto them to cause death. Yet, homosexuality was not unknown or infrequent in the *madrasas* (religious schools) of Pakistan from which the Taliban emerged, or in the Afghani refugee camps.

In general, lesbians are subject to honor killings and beatings by family members (their own or their lovers) and lack legal protection from such assaults, which may take place overseas as well as in their birthplaces.³³

One might surmise from all of this that women are strictly faithful, rarely resort to abortion, and that there would be nothing like "gay culture" in the region. Just as the first two assumptions would be incorrect, so is the third. An argot or slang specific to homosexuals can be heard in Egypt, it is derivative of the entertainers' *sim* (argot) dating back into the nineteenth century.³⁴

However, possibly because of the social construction of gender, bisexuality is likely more common than homosexuality.

Transsexuals

There are several traditions of transgender and transvestism in the Middle East. Religious objections include the following hadith, "Cursed are those men who wear women's clothing and those women who wear men's clothing."

Unni Wikan wrote about the *xanith* of Oman, a third sex who can socialize or sing with women, yet may one day "become a man" and give up his lifestyle for marriage and children.³⁴ Sigrid Westphal-Hellbusch has written about the *mustergil*, a female-to-male transvestite tradition in Southern Iraq.³⁵ Other literary references to "warrior-women" who served in disguise exist. An earlier twentieth century tradition of photographing young in boy's dress³⁷ may simply have been a fad, as with certain portraits of adult women in men's clothing from 1930s Lebanon.

Ottoman-era rules like those issued by Muhammad Ali Pasha in Egypt forbade female performers in public space. A resulting tradition of transvestism in entertainment influenced Turkish music and television, featuring certain popular and dynamic performers like the late Zeki Muren or Bulent Ersoy.³⁸ Also, *khawal* performances were seen earlier, in 19th century Egypt, in dramatic troupes where boys played women's parts, and in some modern cinema.³⁹

Discussions about homosexuality and sex-changes involve debates tinged with Islamist discourse and dichotomously conceived categories of gender. The new 2002 Turkish Civil Code requires an individual to be 18, unmarried, to

establish their “transsexual nature,” chronic infertility and the necessity of the operation to their mental health on the basis of official medical reports, in order to receive official permission to change their sex.⁴⁰ Although the process is regulated, transsexuals are frequently mistreated by the police (as are homosexuals).

Certain Muslim spokespersons equate homosexuality with feminism, and see any vestiges of either as part of a Western conspiracy to attack the family system and strength of the *ummah*.⁴¹ Often, the West is gravely criticized for decriminalizing homosexuality and the effects of such attitudes probably do more to repress alternative sexual identities than the penal codes.

Sex-work / Trafficking in Women

The laws on prostitutes, or sex-workers, and trafficking in women should be brought into alignment with CEDAW and the Convention on the Rights of the Child. MENA countries are again, quite different in their legal approaches to regulating prostitution. Moreover, activists are quite divided on the issue. Do women have a right to choose prostitution, and how should one treat those who do not feel victimized, or even prefer this trade? Legalization may benefit prostitutes, yet put women as a group, and certainly minors at risk, by perpetuating sex for financial exchange.

Three categories of persons are affected - adult nationals, child nationals, and foreign nationals or refugees, and laws treat each differently. The latter category may include non-Muslims, particularly women from the former Soviet Union, Africans - in Egypt, Sudanese, Ethiopians, Eritreans, and Nigerians and in the Gulf, Lebanon, Jordan (and in Israel as well) Filipinas and Sri Lankans. Within this group, women may fall victim to sex crimes because they are working under contract, legally or illegally (with regard to immigration and employment restrictions) as servants or nannies. They may be abused by their employers but have no legal recourse. Others, including a large number of Russian and former Russian citizens choose or end up in sex-work, or are even smuggled into countries for that specific purpose.

Poverty and tourism have impacted the sex industry and exploitation of adults and children in Algeria, Morocco and Egypt. In many areas, older men fill the role of “sugar daddies” who “give girls tuition fees, clothes and pre-

sents in exchange for sex.”⁴² Legal loopholes and the lingering traditions of early marriage serve to decriminalize such practices. For instance in Egypt, Arab tourists essentially buy young girls, providing a *mahr*, and then abandon them.

The Permanent Committee for Scholarly Research and the Issuing of *Fatwa* (CRLO) issued a *fatwa* that permits a man to marry with the intent to divorce, while traveling or studying abroad so long as his intention remains “concealed between him and his Lord” or in other words, is not specified in the marriage contract so that the woman is apprised as in *mut'a*, the Shi'a temporary marriage.⁴³ This practice, like the “traveling marriage” licenses sex for sale, and can leave women or resulting children in a vulnerable position. In Iran, *sigheh* (the equivalent of *mut'a*) has also served as a legitimizing cover for sex-workers, and women's need for income.⁴⁴ Finally, *urfi* marriage, which has existed for some time in Egypt and North Africa, has become extraordinarily prevalent in recent years in Egypt due to the rising costs of marriage, may also serve the same purpose. *Urf* refers to custom or tribal practice and law, and here to marriages that are not contracted in accordance with the “normal” type of marriage, *nikah*, under Islamic law. These unions required a contract, but not necessarily the provision of a domicile, household goods and a public celebration. Clerics disapproved because couples could use such a marriage simply to legitimize sexual activity, and women did not obtain rights to support, or inheritance equal to *nikah* marriage.

In Iran, Saudi Arabia, Mauritania, Libya and Pakistan the penalties for *zina* are the primary legal vehicle used to control prostitution. So in Libya, Law Number 70 of 1973 describes a punishment of 100 lashes for prostitution. Trafficking is also a crime, and also deriving from the shari'ah approach is the idea that one who holds public office may be removed if he has committed *zina*. This could apply to prostitution (but is also the theory behind the arrests in Malaysia of prominent public figures charged with sodomy). Under family law, not penal codes, a sex-worker will lose custody of her children as is specified in Article 314 of the Mauritanian Criminal Law.⁴⁵

In several other countries, sex work, or prostitution, is punishable by a fine or a prison sentence, and in some, sex work is legal so long as no coercion or trafficking is involved. So, for example, prostitution is illegal in Egypt,

but prostitutes must be caught “red-handed” meaning that the trade may be tolerated. Various other regulations, for instance women's entry into nightclubs, the conduct of club employees and walking alone or with an unrelated male companion in the streets are intended to limit sex work, but can effectively limit the movement of all women. In many countries, laws against cohabitation by non-married individuals, can serve as a means of pursuing prostitutes. A variety of interesting commercial ordinances enacted in the Nasser years in Egypt were intended to prevent or inhibit prostitution in the entertainment industry, which had flourished because club-owners required performers to engage in *fath*, drinking or socializing with the customer.⁴⁶

Rape laws are intended to protect children in Algeria with imprisonment for 10 to 20 years, but the legal defense and services provided to children, particularly street children is inadequate. Anyone profiting from sex work, or serving as an intermediary for someone under the age of 19 years, is subject to prosecution in Algeria for 5 to 10 years with a fine. There are prohibitions on those who advertise for sex tours,⁴⁷ which is an issue that has also affected Morocco.

Turkey, Lebanon, Bangladesh, Djibouti and Indonesia have essentially legalized sex work but coercion or enforced sex work is not legal which is in accordance with the trend in Western and former colonies or protectorates, and the UN convention of 1949. In Lebanon, sex workers may be licensed so long as they are 21 and not virgins. A woman may own a brothel if she is over 25 years old. Monthly medical examinations are conducted by the government, a policy dating back to the Mandate period, intended to accommodate foreign soldiers and prevent the spread of venereal disease, and this also applied in Syria.⁴⁸ However sections 526 and 527 of the Lebanese Penal Code prohibit pimping, coercion of sex work and living on the earnings of a sex worker.⁴⁹

Licensed sex workers in Turkey who work in brothels are covered by the social security system under the Annexed Article 13 of the Social Security Law and are also regulated by the Public Health Law under Articles 128 and 129. Coercion of women carries sentences under Articles 435 and 436 of the Turkish Penal Code and a previous reduction in sentencing for rape if the victim was a sex-worker in Article 438 was cancelled in 1990.⁵⁰

There are various reports that young Algerian girls are sent to Italy and other European countries and forced to marry, or forced into prostitution. There is also a significant voluntary migration of women for marriage. Pressures on young Palestinian and Lebanese women to marry relatives from the West are linked to dower payments. While this is not sex work in its crudest form, it nevertheless involves the

exchange of women and their sexual functions for money. While not necessarily falling into the classic definition of this crime, nearly 100 women were murdered during the “first” intifadah in the Occupied Territories and labeled “collaborators” and moral offenders. Palestinian organizations acted here as the “morality” police for society, in the place of women's family members, and while some women were accused of prostitution, the dangerous connection between the national cause and women's sexual or moral behavior was re-emphasized.¹⁹ This kind of vigilante approach to women could be seen in Algeria as well, and in state-sanctioned policies in Iran, Afghanistan, and in the Sudan, soon after Islamic governments arose.

Foreign women have been forced or bought into sex-work in the region, and there are problems with enforcement and violence in some cases. These may involve Russian-speakers in Turkey and in Israel where there are laws against pimping and regulation of prostitution but no specific laws that deal with trafficking.

Hundreds of sex workers work in the Tel Aviv area, and relatively few traffickers are prosecuted. *Ha'aretz* reported that out of 1,100 cases of trafficking in women, only 136 actually went to trial over a three year period. When the Tropicana, a long-time bordello closed due to the worsening economic situation since October of 2000, including the absence of its Arab clients (at about 30%), its owner, Iranian-Israeli Jackie Yazdi defended his trade, saying that he provides employment to needy Russian immigrants,⁵¹ more than a million of whom have emigrated to Israel from 1990 to 2000. Yazdi pointed to an increase in the riskier street prostitution with the closure of the more expensive bordellos. Some of these women travel freely, or are forced to travel to Arab countries as well, as occurs in the Sinai touristic recreation areas. In 1997, 675 women from the former Soviet Union were arrested for sex work in the United Arab Emirates.

There was also trafficking case of a large number (475) of Bangladeshi women to Kuwait and neighboring countries during the Desert Storm campaign. In Iraq, sex work is reportedly a strategy of the desperate. Recently, there are reports of kidnapped Iraqi women and girls being sold within Iraq, or smuggled to the Gulf. The CEDAW has explicitly stated a concern with trafficking in women that should be addressed by the MENA/Muslim countries.⁵²

Where children are involved, experts have recommended awareness campaigns. These are problematic when it is argued that local poverty is embarrassing to the national image, but some efforts were made along these lines in Morocco (referring to young domestic servants) and Yemen.⁵³

*The Taliban
punished
homosexuals
by toppling a wall
onto them to
cause death.*

Endnotes

1. The views expressed here are the author's and do not necessarily reflect the official policy of the Department of the Army, the Department of Defense, or the U.S. government. This material was adapted from Sherifa Zuhur Gender, Sexuality and the Criminal Laws in the Middle East and North Africa: A Comparative Study (Istanbul: Women for Women's Human Rights (WWHR), 2005) available at http://www.wwhr.org/id_918 and cited with permission. That study was previously cleared for public release.

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23. Education Minister, Dr. Muhammad Al-Rasheed, Address to the United Nations Special Session on Children, 10 May 2002.

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25. "Mauritania," *The Population Policy Data Bank*, Population Division of the Department for Economic and Social Affairs, United Nations, 130-132.

26. Musallam, *Sex and Society*, 53-54.

27. "Iran." *The Population Policy Data Bank*, 62-64. To understand the interesting ways in which the state promotes family planning; see Homa Hoodfar, "Devices and Desires: Population Policy and Gender Roles in the Islamic Republic," *MERIP* (Middle East Research & Information Project) No. 190, Vol. 24, No. 5 (September-October 1994) 11-17.

28. See table

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"Of all creatures in the world, will ye approach males. And leave those whom Allah (God) has created for you to be your mates? Nay, ye are people transgressing all limits?" *Surah XXVI*: 165-166. The Meaning of the Holy Qur'an. Trans. by 'Abdullah Yusuf 'Ali (Beltsville, Maryland: Amana Publications, 1989 [1408 h.]).

"If two men among you commit indecency, punish them both. If they repent and mend their ways, let them be. Allah is ever Relenting, Merciful." Surah IV: 16. The Koran. Trans. N. J. Dawood. (London: Penguin Books, 1990, fifth revised edition).

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53. M'jid, "Sexual Exploitation of Children."

| Country | To save Or preserve woman's life | To preserve physical health | To preserve mental health | Rape incest | Foetal impairment | Economic or social reasons | On request |
|--------------|----------------------------------|-----------------------------|---------------------------|-------------|-------------------|----------------------------|------------|
| Algeria | x | x | x | - | - | - | - |
| Brunei | x | | | | | | |
| Egypt | x | - | - | - | - | - | - |
| Jordan | x | x | | | | | |
| Iraq | x | x | x | x | | | |
| Lebanon | x | | | | | | |
| Libyan Arab | x | - | - | - | - | - | - |
| Jamahiriya | | | | | | | |
| Malaysia | x | x | x | | | | |
| Mauritania | x | | | | | | |
| Morocco (5) | x | x | x | - | - | - | - |
| Pakistan | x | x | x | | | | |
| Saudi Arabia | x | x | x | | | | |
| Sudan | x | - | - | x | - | - | - |
| Tunisia | x | x | x | x | x | x | x |
| Syria | x | - | - | - | - | - | - |
| Turkey | x | x | x* | x* | x* | x | x* |
| Yemen | x | | | | | | |

*up to 10 weeks of pregnancy
 Source: Population Division of the United Nations Secretariat World Abortion Policies 1999; WWHR-New Ways, *The New Legal Status of Women in Turkey*, and the Population Data Bank.

Qadiseh Hejazi's *Barresi-ye Jara'em-e Zan Dar Iran* Dangers of Cultural Change: Gender and Female Criminality in Early Post-World War II Iran

■ Cyrus Schayegh*

Assistant Professor of Modern Middle Eastern History at the Department of History and Archaeology
American University of Beirut

"Today's civilization ... is full of paradoxes."¹ With these words an Iranian women's magazine characterized Iran's state of affairs in 1928. Starting with the Constitutional Revolution (1905 and 1911), and at a faster pace during Reza Shah Pahlavi's rule (1921-41), social reforms, cultural change, and techno-scientific progress were re-forming Iran. The sun appeared to be rising again over the country, awakening it from an almost millenarian 'slumber'.

However, light was accompanied by shadows. Due to a decidedly more rapid pace, as opposed to the leisurely stroll of traditional life, the modern age was feared to exert unprecedented pressures on the individual. Modernist authors – journalists, scientific authors, and writers – waxed on the incredible velocity of cars, trains, and planes, but concluded that "the world ... need(s) tranquility, welfare, and comfort – not agitation and hardship!" All too easily, speed could become, not only metaphorically, but literally, maddening. In the late 1930s, one author identified "speed and noise" as "the particular features of today's civilization", directly causing a surge in mental disease and crime. Two decades later, a leading Iranian psychiatrist warned that "mental troubles are on the rise due to the rapid progress of the new civilization and people's lack of preparation to deal with it."² The maelstrom of modern life

engulfed all social bonds, including society's basic cell: the family.

Worries about modern life's threats are at the heart of one of the earliest lengthy texts on female criminality in Iran. Published in 1962, Qadiseh Hejazi's *Barresi-ye Jara'em-e Zan Dar Iran* – the Iranian version of a doctoral thesis supervised by a French professor – was among the first Iranian contributions to a growing body of literature on criminology.³ The author argues that female criminality is a recent phenomenon which results from the negative impact of modern life (what we will term 'modern effects') on gender roles, marriage patterns, and family structures. Female criminal deviance is prefigured by gender deviation: what can be called the 'criminal-woman' is a failed 'mother-woman'. The two subtypes, the former deviant in a criminal sense, the latter in a bio-medical and moral sense, are intertwined and caused by the same negative effects of modernity. In view of Hejazi's admission that the number of female criminals in Iran is extremely low, she appears to be interested as much in the socio-cultural crisis (which presumably triggers female criminality), as in the criminality itself.

Hejazi advocates that women stay behind the hearth and beside the cradle.⁴ Coming from a religious family, yet

armed with a modern, higher education, she placed great emphasis on the role of religion in helping people steer clear of crime.⁵ Feminist authors did not see eye to eye with her, but more secular authors, especially men, probably under-wrote Hejazi's view that a woman's home is her castle.⁶ Moreover, although Hejazi's concerns about modern life are influenced by religion, she referred, as a matter of course, to sociology, psychology, and criminology.⁷ These scientific disciplines were central to the work of secular authors as well. Most importantly, her core argument that modern life is a threat makes it a distinct yet fundamentally harmonious voice in a choir of contemporary Iranian critics, intellectuals, and social scientists concerned with the negative consequences of 'the new civilization'.

That particular debate picked up steam in the post-war decades, against the backdrop of accelerating urbanization, mass urban culture, growing industrialization, and women's increasing public presence. However, its roots date back to the interwar years' socio-cultural reforms and concomitant social changes.⁸ On the one hand, most of these reforms were seen as benefiting women, especially modern middle class women who were more educated and who were employed in professional sectors 'suited' to their 'maternal nature', such as teaching and nursing. On the other hand, the 1931 Civil Code and the 1937 Marriage Act framed women as dependent individuals. "The new legal codes secularized patriarchal family relations by moving family law from the domain of the Shariat to the domain of the secular state."⁹ At the same time, women were seen to be particularly vulnerable to the harmful aspects of modern civilization, which were 'germinating' in the city, especially the capital city, Tehran.¹⁰

Socio-economic and cultural change continued during and following World War II. Throughout the 1940s and 1950s, urban growth continued, especially in Tehran, where the urban industrial working class and the even more dejected urban proletariat [now known as *lampan* (Lumpenproletariat)] were also growing. Rural-urban migration, although not yet at the level of the land reform period (1963), was accelerating and living standards, especially of the poorer social strata, suffered from a spiraling inflation that affected housing prices in the large cities.¹¹

"[W]ith the acceleration of capitalist relations after the Second World War, and particularly with the full-fledged modernization programmes, women's position underwent some transformation. The increased participation of women in the labour force and their growing access to education created a more visible population of middle-class women."¹²

At the same time, women literati were starting to openly address their sexuality,¹³ while social critics and social scientists grew increasingly alarmed about the effects of large-

scale migration from the rural countryside to the large cities. They believed that the process was tilting the balance between young men and women in large cities, with purportedly terrifying effects on society's moral-sexual order.¹⁴ They also worried about the way in which urban mass culture was expanding. Particularly in Tehran, cinemas, brothels, cabarets, bars, and restaurants – welcomed by many, but feared for their purportedly morally corrupting effects – became more numerous than ever before; elements of American pop and mass culture were newly introduced into the fabric of urban Iranian life.¹⁵

It was in this context that Qadiseh Hejazi published *Barresi-ye Jara'em-e Zan Dar Iran* in 1962. She identified the main threats to Iranian women as the erosion of stable marriage patterns, the disintegration of the family, and most importantly, the altering of women's biological identity as mothers. Women's place is unequivocally in the home. Religion played an important role in Hejazi's analysis. She emphasized the positive effects growing up in a family of religious scholars has had on her, and stressed the morally fortifying role of religion.¹⁶

Hejazi's religious stance distinguished her from her secular male counterparts. More importantly, however, intellectual figures such as Ahmad Kasravi and Jalal Al-e Ahmad basically shared her view that women's natural place is at home, with her children.¹⁷ The fact that she was educated in the modern state university system, where she wrote the doctoral thesis that formed the base of her book, is further evidence that her religious outlook did not place her outside the boundaries of modernist social critique.¹⁸

For Hejazi, women are first and foremost mothers. Their sexual drive is conditioned by that biologically constructed maternal instinct;¹⁹ their sexual instincts, their social role, and their biological constitution define them as mothers.²⁰ In turn, maternal feelings tend to prevent women from committing crimes. Crime is in fact contrary to women's nature.²¹ It is only with the advent of modern society, in which the bonds of marriage are loosened, that women have ceased to become mothers, and have to work outside their homes, disturbing their 'natural state'. It is, as a result of these shifts, that women are more likely to become criminals.²²

In her view, the destructive effects of this shift can be clearly seen in Western countries. In her book, the rise of female criminality in the West is evidence of her contention that there is a causal link between marriage patterns and statistics on crime: single women are much more likely to become criminal than are either married women or mothers. But even in the modern period, a mother is most likely to commit crimes for the sake of her children, as a last desperate attempt of her self-sacrificing instinct to protect and nourish them.²⁴

Hejazi thus constructs the aberrant figure of the criminal woman in contrast to the natural and normal figure of the mother-woman and maps out both a historical-cultural genealogy and a socio-criminological typology of 'the female criminal'. Her ultimate interest, in fact, lies with the criminal or the concept of the criminal-woman as arising from a pessimistic reading of 'modern effects', rather than with crime.

The contrast between the criminal-woman and the mother-woman is less clear-cut than at first sight; however, as there are various kinds of crimes and different types of criminals, simultaneously, there are qualitatively varying types of motherhood. There is an intersection, a grey zone, between the category of the careless-but-not-yet-criminal mother-woman (or a woman who cannot or does not want to become a mother) and the category of the criminal-woman. A criminal mother-woman who commits a criminal act or becomes a criminal for the sake of her children is less condemnable - in the moral rather than legal sense - than a non-criminal mother-woman who does not take care of her children or who does not want children in the first place.

Hejazi paints her picture of criminality as a 'modern effect' on a canvas of modernity's negative impact on gender roles and sexuality. Female criminal deviance predicts and is conditioned by gender deviation. Thus, the true criminal-woman is a failed mother-woman: she has ceased to be or never was a mother-woman.²⁵ The criminal-woman and the failed mother-woman share a common historical-cultural genealogy in that both are created by the distortions of 'modern effects', and although they represent different subtypes, they are logically connected: both are deviant and hence they are both discussed in *Women's Crimes in Iran*.

While Hejazi analyzes the criminal-woman in criminological terms, she describes the careless, but not yet criminal mother-woman and the failed mother-woman using a bio-medical vocabulary. This approach is not new, and has been applied in Iran from the early decades of the 20th century onwards.²⁶ In a sub-chapter entitled 'Factors that influence a woman and place her under pressure', she claims that maternal feelings "are among the [women's] most vital emotions, and therefore they cannot be fought" or repressed without negative consequences.²⁷ In other words, women who fail to develop maternal feelings are unable to develop any positive female or feminine traits. Moreover, unlike male 'instincts' that are openly sexual, women's (sexual) instincts are maternal. Their satisfaction in extra or premarital relations – which, for men, is problematic only from a moral perspective – comes at a huge cost: the loss of the woman's mental, psychological, and physical wellbeing. Women who do not become pregnant, who have to abort, or who give birth to illegitimate children, will be very likely to suffer. The failure to get pregnant has "dangerous phys-

ical and nervous costs ... which at times leads to insanity ... If [the lack of pregnancy] does not result in [the woman] dying at a young age, illnesses and discomfort [do] remain, so that she must live her [entire] life [plagued by] discomfort and disease." Moreover, this personal state of affairs "will also affect society." As for abortion, Hejazi notes that "the slightest harm and smallest danger for the woman is death. There is no need for a more detailed explanation." In light of the above stance, she most likely means that death is preferable to the variety of terrible diseases, physical as well as psychiatric, that will befall women if they, for whatever reason, do not become mothers.²⁸ The third and worst case is the birth of an illegitimate child. Social pressure to abandon the new-born scars women for the rest of their lives. In sum, women who experience any one of these three states will suffer trauma requiring medical treatment. Moreover, "the most abominable crimes are committed by (such) persons"; as a result, "the roots [of all three] will spread throughout society like cancer."²⁹

However, Hejazi concedes that unlike in the West, a very small number of children are born out of wedlock in Iran.³⁰ Likewise, in the decades between the rise in population growth in the 1930s and the inception of population control in the mid-1960s (abandoned after the revolution, but successfully resumed in the early 1990s), abortion, childlessness, and their demographic and individual psychological effects were an imagined threat rather than an actual reality.³¹ In the same vein, Hejazi grants that female criminality is extremely low in Iran.³² In fact, her book is filled with references to the disparity that exists between social reality and the cultural angst of modern effects. This discrepancy characterizes her own concern about both the psycho-medical deviation of the (childless) failed mother-women and the deviance of criminal-women.

The fact that Hejazi's book is driven more by a deep-seated anxiety about the threat of drastic culture-driven changes to social and gender identities, than by actually existing criminal reality, is conclusively reflected in her typology of female crime. The largest category is constituted by "a'mal-e monafi-ye 'effat" or acts against chastity, approximately 75% of which are cases of prostitution. Hejazi initially states that these acts have socio-economic causes. They are attempts by urban lower-class women to alleviate their poverty. In her view, economic distress is also a main motive for other crimes, such as drug abuse or bloody feuds.

However, in Hejazi's analysis of the categories of crime and in her final conclusions, economic factors disappear and socio-cultural dynamics come to the fore. Symptomatically, she does not frame unchaste acts as yet another criminal category; rather, they are "the mother of (all) other crimes, i.e. other crimes are [their] product."³³ In contradiction to her statement, that acts against chastity constitute the

largest category of crimes, they actually rank second in the only statistics she provides.³⁴

Hejazi's vision of chastity as the core and origin of female criminality also points to another issue. Her analysis situates female crime in a separate sphere from male crime since the latter is primarily understood from an economic perspective. Meaning, it is a threat to socio-economic stability and a danger to other to men's productive efforts. The former, on the other hand, is situated in the sphere of biology. Women's crimes are crimes against society's socio-biological, and demographic strength. Woman's original crime is a sin against her body - a body that does not truly belong to her, a body she has to look after for society's sake. Prostitution is morally condemnable, medically dangerous, and socially harmful. Therefore, a woman's

attempt to subvert her body's basic purpose - reproduction - is not only a shot into her own foot, but a stab into the back of society. It renders her insane, and places society in mortal danger.

Seen in this light, it does not come as a surprise that Hejazi frames unchastity as "the mother of all crimes". In her genealogy, modern effects subvert marriage, the family, and gender roles. Other types of crimes arise from that original source. A'mal-e monafi-ye 'effat thus constitute the site where the figure of the failed mother-woman blends into the criminal-woman and where moral, medical and criminal deviance intersect. This analysis conclusively reflects Hejazi's central concern: modern effects do not simply cause crime but, prior to and as a cause thereof, corrupt existing structures of family, marriage, and motherhood.

Endnotes

- * I would like to thank Ellen Fleischmann, Zeina Maasri, and Jana Traboulsi for their insightful comments.
1. "Ba taryak jang bayad kard!" [Opium must be fought!] *Payk-e sa'adat-e nesvan* 1:3 (1928), 66.
 2. "Jonun-e sor'at" [The madness of speed] *Salnameh-ye Pars* 15 (1940/41), 184; "Ta'lil va taqlil-e jara'em" [Explaining the causes and the reduction of crimes] *Nameh-ye shahrani* 2:9 (1937/38), 15; H. Reza'i, *Bimariha-ye maghz va ravan. Jeld-e sovvom: Bimariha-ye damaghi* [Cerebral and mental diseases. Vol.3: Cerebral diseases] (Tehran: Chapkhaneh-ye daneshgah, n.d., ca. 1957), 123.
 3. Qadiseh Hejazi, *Barresi-ye jara'em-e zan dar Iran [A study of female crime in Iran]* (Tehran: Enteshar, 1962). French advisor: Mahmud Shehabi, Preface to Hejazi, *Barresi*, d/h [?/?]. Criminology: 'A.-H. 'Aliabadi, *Hoquq-e jana'i* (Tehran, n.p., 1955); Sa'id Hekmat, *Ravanshenasi-ye jena'i* (Tehran: Daneshgah-e Melli-ye Iran, 1967); Reza Mazluman, *Jame'ehshenasi-yi keifari* (Tehran: Entesharat-e Daneshgah-e Tehran, 1974).
 4. Hejazi, *Barresi*, 125.
 5. Idem, 5, 102ff.
 6. Haideh Moghissi, *Populism and Feminism in Iran* (New York: St. Martin's Press, 1994), 72-104. The Shah's and the regime's official view, which allowed for a qualified public role: Parvin Paidar, *Women and the Political Process in 20th Century Iran* (Cambridge: Cambridge University Press, 1995), 148f.
 7. Hejazi, *Barresi*, 7, 116, 118.
 8. Reforms: Ervand Abrahamian, *Iran Between Two Revolutions* (Princeton: Princeton University Press, 1982), 135-149.
 9. Paidar, *Women*, 122.
 10. Literature: Afshin Matin-asgari, "Sacred City Profaned: Utopianism and Despair in Early Modernist Persian Literature", in Rudi Matthee and Beth Baron, eds., *Iran and Beyond* (Costa Mesa: Mazda, 2000), 204.
 11. Socio-economics: Habib Ladjevardi, *Labor Unions and Autocracy in Iran* (Syracus: Syracuse University Press, 1985). Urbanization: Jean-Pierre Digard, Bernard Hourcade and Yann Richard, *L'Iran au XXe Siècle* (Paris: Fayard, 1996), 318-327. Politics: Ali M. Ansari, *Modern Iran Since 1921* (London:

12. Moghissi, *Populism*, 80.
13. Farzaneh Milani, *Veils and Words. The Emerging Voices of Iranian Women Writers* (Syracus: Southern University Press, 1992), especially ch.6: 'Unveiling the Other: Forugh Farrokhzad', 127-152.
14. Dariush Rejali, *Torture and Modernity. Self, Society, and State in Modern Iran* (Boulder: Westview, 1994), 86f.
15. One of the most famous and incisive cultural critiques was Jalal Al-e Ahmad's 1961/62 *Gharbzadegi* [Westoxication]; c.f. Brad Hanson, "The 'Westoxication' of Iran: Depictions and Reactions of Behrangi, Al-e Ahmad, and Shariati" *International Journal of Middle Eastern Studies* 15:1 (1983), 1-23.
16. Hejazi, *Barresi*, 5, 102, 104f.
17. Hejazi, *Barresi*, 125; Moghissi, *Populism*, 82-85.
18. Mahmud Shehabi, Preface to Hejazi, *Barresi*, d/h [?/?].
19. Hejazi, *Barresi*, 110f.
20. Idem 110ff.
21. Idem, 125, 171.
22. Idem, 125, 172ff.
23. Idem, 122, 171.
24. Idem, 122, 112.
25. Idem, 116. The use of the term *latmeh* may not be accidental: translatable as 'blemish' or 'injury', it carries both moral and physiological connotations.
26. Cyrus Schayegh. Science, medicine, and class in the formation of semi-colonial Iran, 1900s-1940s, (Ph.D. Columbia University, 2004).
27. Hejazi, *Barresi*, 116.
28. Idem, 116f.
29. Idem, 117-119, quote 118.
30. Idem, 118.
31. Link between demographics and hygiene, genetics, and eugenics, and anxiety about slow population growth into the 1930s: Schayegh, Science, ch.5.
32. Hejazi, *Barresi*, 126. She also states that in 1933 and 1934, a total of 43 respectively 170 women were accused of crimes in Tehrani courts, representing 2.1% respectively 10.4% of all accused (idem, 179).
33. Idem, 148.
34. Statistics for the years 1933 and 1934: idem, 179.

Female Criminality in Lebanon

The Local Police Perspective

■ General Dr. Amin Saliba

Former Internal Security Forces (ISF) Chief of Staff and Lebanese University Professor

The following texts were submitted by two high ranking Lebanese Internal Security Forces (Police) officers following the request of the editor. Although the content of the articles do not involve adequate research methodology, the participation of law enforcement officials in attempting to understand female criminality is necessary for developing an insightful perspective.

Lebanese women, like their male counterparts, have physical and social needs. In a patriarchal social system such as Lebanon, women are commonly perceived as feeble creatures in need of protection, and in conservative communities, they are often considered a major threat, capable of dishonoring the family and tarnishing its reputation. It is worth noting that there is not one stereotypical 'Lebanese woman.' Women differ in their outlooks on life, their desires, and goals depending on the region they come from, and a variety of other factors. For example, in big cities, women have needs that vary dramatically from those of women in smaller towns, and even more so than those of women in small villages and remote areas. In addition, women in Beirut tend to be different from those in Tripoli, Sidon or Zahle, at least when it comes to their outlook and social needs. This short introduction is necessary to highlight some crucial differences between women in Lebanon. The data presented below draws on 33 years of experience

in the Internal Security Forces' Judicial Police, and includes data from Beirut and remote villages and is presented with the hope to provide insight into the crimes that women might commit.

Women in Lebanon, in comparison to women elsewhere, lead sheltered lives, which protect them from the criminal elements that may influence women and make them more prone to commit crime. We aim to demonstrate this when addressing the issue of drug crimes committed by women in Lebanon. It appears that dismal living conditions are what primarily push women in Lebanon to commit the following criminal acts:

- Honor related crimes
- Prostitution
- Theft and fraud
- Murder and drug dealing

The first crime is inflicted on or by women usually as a result of their intimate relationships, whereas the rest result from women's social and survival needs.

Honor Related Crimes

These crimes concern those who kill to avenge their honor, often taking their own life immediately after-

wards. These crimes are committed by women throughout the country, but vary slightly according to their social milieu. The percentage of such crimes committed by women living in the city is low, yet increases considerably in villages and households that uphold conservative values with respect to women's freedom before and after marriage. However, this does not mean that honor killings do not exist in big cities like Beirut. In fact, these crimes are known to have occurred in certain popular neighborhoods in the capital, where family ties are sacred and strong social relations prevail. In many cases, the woman kills a treacherous lover who has abandoned her, often taking her life afterwards. Such crimes are frequent and occur almost every month. Although these crimes have happened throughout Lebanon in the past, they now only take place in remote areas and small villages.

Prostitution

In prostitution cases, a woman is either charged with adultery, and is legally prosecuted only if her husband chooses to file a lawsuit; or is charged with underground prostitution as stipulated in Article 523 of the Lebanese Penal Code, whereby a woman solicits sex for money. Women in Lebanon commit both categories of crimes; however, they go widely unreported. Hence, the data available to judicial investigators at tribunals is mostly inaccurate. The percentage of women detainees charged with these crimes in the last five years is very low. This is particularly the case regarding prostitution because many of the detained women are not Lebanese nationals in the first place.

Theft and Fraud

These crimes are rarely committed by women in Lebanon. They are predominantly 'male crimes,' perhaps because men do not trust women and believe that they are incapable of taking part in thievery, as well as the gangs that monopolize this enterprise. Yet, when they do steal, women throughout the country tend to commit acts of theft on their own and out of economic need. This crime is widespread among single and married women with limited income, or among women working as house cleaners. The percentage of imprisoned Lebanese female thieves is lower than that of female thieves who come to Lebanon as domestic workers. Lebanese women rarely commit fraud, and these crimes are only committed by wealthy women living in cities. They are usually businesswomen, who, in the face of financial ruin, commit fraud offences to cover their business losses.

Murder and Drug Dealing

With the exception of those who commit crimes to avenge their honor, female murderers are rare in Lebanon. When women do commit such crimes, they do so after having been deceived, coerced, or out of financial need.

Women often act as accomplices in murder crimes whereby they are coerced by a spouse, lover, or friend to kill, consequently, their crimes are usually carried out under pressure. Yet, the rate of such crimes is minimal compared to Western societies, perhaps because Lebanese women fear for their reputation and that of their families.

With respect to drug crimes, women are usually tricked into trafficking drugs from one country to another or into dealing drugs on the Lebanese market. Yet, very few Lebanese women have the courage to engage in such an activity and male drug dealers are known to consider women untrustworthy as business partners.

Drug usage has become widespread in Lebanon, especially among women in their twenties. Moreover, drugs are found in the universities and secondary schools of big cities. Drug abuse is particularly high in Beirut and its suburbs, as well as the rest of the large cities and towns. Their peer groups often influence Lebanese female students to use drugs, especially their academic circle of friends. It is important to note that the number of actual drug users is far greater than the number of people imprisoned on drug charges. Drug use is widespread in Lebanese society and its implications are alarming. Therefore, the Lebanese security forces ought to work closely with civil society associations and university administrations to combat drug addiction. Moreover, they ought to coordinate with the various UN bodies and make use of the UN programs aimed at combating drug addiction.

The crimes listed above do not take into consideration the age of the perpetrators and this is a limitation that needs to be taken into account because age may be a highly relevant variable when trying to understand female criminality. In addition, it is important to note that no Lebanese woman has ever been active in a terrorist organization, whether to target specific individuals for kidnapping in exchange for ransom, or to target political regimes in other countries.

However, in conclusion, it is necessary to highlight the importance of protecting Lebanese women, especially students in universities, by informing them about the dangers of using and trafficking drugs, using credit cards without authorization, prostituting themselves, or committing major crimes. Moreover, Lebanese women should be made aware of the negative consequences of cultural liberation that results from globalization, especially with respect to premarital sexual relations. In most cases, women who engage in such crimes risk destroying their lives and their reputation. Because we live in a highly conservative society, this would be detrimental to both their families and friends.

Translated by Nadine El-Khoury

Women, Crime and Statistics

■ General Dr. Fadl Daher

Former Assistant Secretary-General of the Council of Arab Interior Ministers
Board Member of the Prince Nayef Arab University for Security Sciences

Differences between societies in their approaches to understanding crime and punishment are evident, particularly with respect to differing definitions and motives. However, there is always a need to measure crime rates within these societies in order to understand the types of crimes being committed. In addition to determining what crimes are occurring, and their seriousness, there is a need to establish a valid mechanism for dealing with deviant behavior on the one hand, and with the social perceptions of deviance and crime on the other.

Crime statistics have often been the object of criticism and doubt with respect to their limited significance, and there are numerous methodological reservations. However, recorded crime statistics remain one of the necessary measurement techniques that can be transformed into useful sociological indices. They are crucial in supporting national strategies aimed at fighting crime on many levels (prevention, deterrence, security, etc.) and in various areas (social security, economic security, environmental security, etc.).

Hence, criminologists are puzzled when most Arab countries refrain from participating in periodical data collection by competent organizations within the United

Nations, which hope to establish the existence of different types of crime in addition to determining the procedures of criminal justice systems around the world. The steps taken by the Prince Nayef Arab University for Security Sciences (the scientific arm of the Council of Arab Interior Ministers) to establish a comprehensive statistical study on crime in the Arab world, did not live up to expectations despite the thoroughness and robustness of the research, which was conducted using highly advanced scientific methods.

Studies conducted on the deviant behavior of women mainly attempted to provide an understanding of the relationship between deviance and variables such as unemployment, poverty, illiteracy, low education levels, reproductive health, sexual education, population density, migration from rural to urban areas, immigration, and different levels of development and economic growth. In addition, they researched the relation between deviance and levels of production, ensuing work divisions and living standards, which are all influenced by the mass media and the information technology revolution, which are products of globalization - the process which will crush every society that does not know how to benefit from its advantages and avoid its pitfalls.

It is obvious that all of these factors have had various social-psychological effects, and have contributed to an upsurge in crimes committed by women, including crimes, that until recently, have been only committed by men. These include taking part in or leading national, international, and transnational organized crime syndicates – the aim of such organizations being primarily to amass financial gains, which have been laundered. Many incidents indicate the participation of females relatively on par with that of males, even in extreme cases where violence and bloodshed are involved. Cases range from mere bodily harm to murder, drug trafficking, weapons trafficking, trafficking of human organs, and of humans - particularly women and children - to terrorist crimes connected with transnational organized crimes.

Overall, it can be said that the perception of women as permanent victims, has, since the beginning of the 1970s, evolved to include women as criminals. Yet, regardless of their physiological difference from men, female crimes must be dealt with because over the years they have also negatively affected both women and society.

Taking into account the aforementioned observations, the limited scientific studies and official reports published in very few Arab countries show that the rate of crimes committed by women in these same countries in 1990 accounts for the following percentages (out the total percentage of crimes): 3.7% in Egypt, 5.1% in Libya, 6.8%

in Jordan, 6.5% in the Kingdom of Saudi Arabia, 6.8% in Iraq, 8% in Qatar, 8.7% in Syria and 14.9% in Sudan compared to 23.3% in Germany, 19.1% in Austria, 13% in Belgium, 20.7% in Japan, 18.4% in the United States, 17.3% in France, 14% in Britain, and 14.5% in Sweden; whereas the female crime rate was 11.86% of the total crime rate in Lebanon in 1974 .

Clearly, the high crime rate in Lebanon compared to that of other Arab countries (except Sudan) reflects the psychological and social conditions of Lebanese women, particularly in light of the exceptional circumstances witnessed by Lebanese society between 1974 and 1984. However, the percentage of 11.86% confirms the claims that prior to the Civil War, crime rates in Lebanon were similar to those seen in industrial nations for reasons we do not have space to discuss in this paper. Nevertheless, a look at the abovementioned figures highlights the need for research to address the high rates of female deviant behavior, and the types of crimes that are on the increase and cannot be understood using statistics alone. Suicide and suicide attempts, for example, are on the rise in comparison to the overall total rates and to cases involving men (see table).

In conclusion, the aforementioned data arouse concern and assessment is an essential step in dealing with the problem, especially since hasty solutions are usually a waste of time and energy. What is necessary for success in understanding and dealing with female criminality is a scientific approach in drawing up a national security strategy with clear objectives, using a coherent methodology, in addition to the regular monitoring, accountability and later reevaluation of all studies and programs. This should form part of a comprehensive national development strategy established by the appropriate authorities, perhaps within the framework of the Socio-Economic Council. It should also involve public research institutions, research centers and various organizations within civil society. Until such time, the relevant and concerned parties must be identified and must commit to a reform framework, thus promoting a safe and stable society.

Translated by Nadine El-Khoury



Picture Credit: Myriam Hajj

Table 1: Individuals who committed suicide between 1994 and 2000

| Gender | | | | | | | | | | | | | | | | | | | | | | | | | | | Unspecified | Total | | | | | |
|--------|-----|---------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|---------|-------|---------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------------|-------|-------|-------|-------|---------|-------|
| | Age | Under15 | 15-18 | 19-22 | 23-26 | 27-30 | 31-34 | 35-38 | 39-42 | 43-46 | 47-50 | 51-54 | 55-58 | 59-62 | Over 62 | Total | Under15 | 15-18 | 19-22 | 23-26 | 27-30 | 31-34 | 35-38 | 39-42 | 43-46 | 47-50 | | | 51-54 | 55-58 | 59-62 | Over 62 | Total |
| 1994 | 0 | 1 | 5 | 4 | 1 | 4 | 2 | 1 | 2 | 2 | 2 | 1 | 2 | 0 | 27 | 0 | 4 | 1 | 1 | 1 | 7 | 2 | 3 | 0 | 2 | 0 | 0 | 0 | 0 | 21 | 9 | 57 | |
| 1995 | 2 | 1 | 3 | 6 | 5 | 3 | 2 | 1 | 1 | 2 | 1 | 0 | 1 | 0 | 28 | 0 | 3 | 1 | 4 | 2 | 2 | 2 | 1 | 0 | 2 | 0 | 0 | 1 | 0 | 18 | 9 | 55 | |
| 1996 | 0 | 3 | 7 | 3 | 3 | 4 | 3 | 0 | 1 | 1 | 1 | 0 | 0 | 0 | 26 | 1 | 2 | 2 | 3 | 2 | 2 | 0 | 0 | 2 | 1 | 0 | 0 | 0 | 0 | 15 | 7 | 48 | |
| 1997 | 0 | 3 | 4 | 7 | 6 | 1 | 1 | 1 | 0 | 1 | 1 | 1 | 1 | 0 | 27 | 1 | 2 | 3 | 3 | 1 | 2 | 1 | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 16 | 0 | 43 | |
| 1998 | 1 | 2 | 10 | 4 | 5 | 5 | 4 | 2 | 5 | 4 | 1 | 1 | 1 | 5 | 50 | 0 | 1 | 1 | 1 | 3 | 1 | 2 | 1 | 2 | 0 | 0 | 1 | 0 | 1 | 14 | 0 | 64 | |
| 1999 | 1 | 3 | 6 | 15 | 6 | 4 | 5 | 4 | 3 | 3 | 4 | 3 | 3 | 5 | 65 | 1 | 13 | 3 | 6 | 5 | 5 | 3 | 3 | 2 | 1 | 3 | 1 | 1 | 1 | 1 | 48 | 0 | 113 |
| 2000 | 0 | 4 | 7 | 8 | 6 | 0 | 5 | 0 | 5 | 5 | 0 | 3 | 1 | 2 | 45 | 0 | 0 | 3 | 2 | 3 | 2 | 1 | 2 | 0 | 0 | 1 | 1 | 0 | 0 | 15 | 0 | 60 | |

Table 2: Individuals attempting suicide Between 1974 and 1988

| Gender | | | | | | | | | | | | | | | | | | | | | | | | | | | Unspecified Gender | Unknown | General Total |
|--------|-----|----------|-------|-------|-------|-------|-------|-------|-------|-------|-------|---------|-------------|-------|----------|-------|-------|-------|-------|-------|-------|-------|-------|-------|---------|-------------|--------------------|---------|---------------|
| | Age | Under 15 | 15-17 | 18-24 | 25-29 | 30-34 | 35-39 | 40-44 | 45-49 | 50-54 | 55-60 | Over 60 | Unspecified | Total | Under 15 | 15-17 | 18-24 | 25-29 | 30-34 | 35-39 | 40-44 | 45-49 | 50-54 | 55-60 | Over 60 | Unspecified | | | |
| 1974 | 1 | 4 | 21 | 17 | 3 | 5 | 4 | 2 | 4 | 4 | 7 | 7 | 79 | 3 | 18 | 34 | 16 | 6 | 3 | 3 | | 1 | 2 | 3 | 6 | 95 | 1 | | 175 |
| 1975 | | | | 3 | 1 | 1 | 1 | | | | 1 | | 7 | 1 | 1 | 3 | 1 | | | | | | | 1 | 7 | | | 14 | |
| 1977 | | 2 | 11 | 7 | 4 | | 5 | 2 | 2 | 1 | 5 | 10 | 49 | | 3 | 7 | 5 | 4 | 3 | 3 | 2 | 1 | 1 | 1 | 4 | 34 | 1 | | 84 |
| 1978 | | 3 | 8 | 3 | 4 | 3 | 3 | 3 | 1 | 3 | 1 | 9 | 41 | | 5 | 6 | 1 | 2 | 1 | 2 | 1 | | | 2 | 5 | 25 | 1 | 22 | 92 |
| 1979 | | 2 | 7 | 4 | 1 | 3 | | 1 | 1 | 1 | 5 | 5 | 30 | | 3 | 7 | 3 | 3 | 2 | 1 | 1 | 1 | 3 | 1 | 1 | 26 | | 23 | 79 |
| 1980 | | 1 | 11 | 10 | 7 | 3 | 1 | | 3 | 1 | 3 | 5 | 45 | 3 | 1 | 9 | 3 | 4 | 1 | | 2 | | 2 | 1 | 2 | 28 | | 24 | 97 |
| 1981 | 1 | 4 | 2 | 6 | 2 | 4 | 3 | | 1 | 3 | 2 | | 28 | | | 8 | 2 | 1 | 1 | | 1 | 1 | | 1 | 16 | | 19 | 63 | |
| 1982 | | | 2 | | 1 | | | | | | | | 3 | | | | 1 | 1 | | | | | | | 2 | | 70 | 75 | |
| 1983 | | 2 | 10 | 6 | 3 | 2 | 2 | 3 | 3 | 3 | | 3 | 37 | 1 | 3 | 4 | 2 | 1 | 2 | 2 | 1 | 1 | 1 | 1 | 19 | 1 | 37 | 94 | |
| 1984 | | | 11 | 4 | 7 | 2 | | 1 | | 1 | 1 | 5 | 32 | 1 | 1 | 3 | 2 | 3 | | 1 | | 1 | 2 | 1 | 2 | 17 | 1 | 15 | 65 |
| 1985 | | | 1 | 2 | 1 | 2 | 2 | 1 | 2 | 1 | | 3 | 15 | | | 4 | 1 | | | 1 | | | | | 1 | 7 | | 10 | 32 |
| 1986 | | | 2 | 4 | 1 | 1 | | | | 1 | 1 | | 10 | | 1 | 1 | | | | | | | | | 1 | 3 | | 8 | 21 |
| 1987 | | | | | | 1 | | | | | | | 1 | | | | | | | | | | | | | | | 1 | 2 |
| 1988 | | | | | 1 | | | | | | | | 1 | | | | | | | | | | | | | | | 2 | 3 |

Table 3: Individuals attempting suicide between 1994 and 2000

| Gender | Male | | | | | | | | | | | | | | | Female | | | | | | | | | | | | Unspecified | Total | | | |
|--------|------|---------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|---------|--------|---------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------------|-------|-------|-------|---------|
| | Age | Under15 | 15-18 | 19-22 | 23-26 | 27-30 | 31-34 | 35-38 | 39-42 | 43-46 | 47-50 | 51-54 | 55-58 | 59-62 | Over 62 | Total | Under15 | 15-18 | 19-22 | 23-26 | 27-30 | 31-34 | 35-38 | 39-42 | 43-46 | 47-50 | 51-54 | | | 55-58 | 59-62 | Over 62 |
| 1994 | 0 | 0 | 1 | 2 | 2 | 1 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 8 | 0 | 1 | 2 | 2 | 3 | 1 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 11 | 0 | 19 |
| 1995 | 0 | 1 | 1 | 1 | 2 | 3 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 1 | 11 | 0 | 2 | 0 | 2 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 0 | 17 |
| 1996 | 0 | 0 | 4 | 2 | 1 | 1 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 1 | 11 | 0 | 3 | 2 | 2 | 2 | 2 | 0 | 0 | 2 | 1 | 0 | 0 | 0 | 14 | 15 | 40 | |
| 1997 | 0 | 2 | 7 | 7 | 6 | 2 | 2 | 0 | 2 | 1 | 1 | 0 | 0 | 0 | 30 | 0 | 3 | 2 | 6 | 1 | 1 | 1 | 2 | 0 | 1 | 0 | 0 | 0 | 17 | 0 | 47 | |
| 1998 | 0 | 1 | 4 | 3 | 4 | 1 | 1 | 1 | 1 | 1 | 0 | 0 | 1 | 0 | 18 | 0 | 2 | 3 | 2 | 1 | 1 | 2 | 1 | 1 | 0 | 0 | 0 | 0 | 13 | 0 | 31 | |
| 1999 | 0 | 2 | 7 | 8 | 3 | 4 | 9 | 2 | 4 | 2 | 0 | 0 | 1 | 1 | 43 | 2 | 7 | 9 | 8 | 2 | 3 | 2 | 1 | 1 | 1 | 1 | 0 | 1 | 1 | 39 | 26 | 108 |
| 2000 | 0 | 3 | 6 | 5 | 5 | 3 | 2 | 2 | 1 | 0 | 1 | 1 | 1 | 1 | 31 | 0 | 7 | 8 | 4 | 2 | 3 | 5 | 0 | 1 | 0 | 0 | 1 | 0 | 2 | 33 | 0 | 64 |

Source: IT Department at the General Directorate of Interior Security Forces

Human Rights Practice: Gender-Sensitive Law Enforcement

Office of the United Nations High Commissioner for Human Rights
Professional Training Series No. 5/Add.3
Human Rights Standards and Practice for the Police,
Expanded Pocket Book on Human Rights for the Police
New York and Geneva, 2004

Human Rights Standards

Women are entitled to the equal enjoyment and protection of all human rights in the political, economic, social, cultural, civic and other domains. These rights include, inter alia, the right to life, equality, liberty and security of the person; equal protection under the law; freedom from discrimination; the highest attainable standard of mental and physical health; just and favorable conditions of work; and freedom from torture and other cruel, inhumane or degrading treatment or punishment.

Violence against women may be physical, sexual or psychological, and includes battering, sexual abuse, dowry violence, marital rape, harmful traditional practices, non-spousal rape and violence, sexual harassment, forced prostitution, trafficking in women, and exploitation-related violence. Violence against women, in all its forms, violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms.

The police shall exercise due diligence to prevent, investigate and make arrests for all acts of violence against women, whether perpetrated by public officials

or private persons, in the home, in the community, or in official institutions. Violence against women is a crime and must be treated as such, including when it occurs within the family.

The police shall take rigorous official action to prevent the victimization of women, and shall ensure that revictimization does not occur as a result of police omissions or gender-insensitive enforcement practices.

Arrested or detained women shall not suffer discrimination and shall be protected from all forms of violence or exploitation. Women detainees shall be supervised and searched by female officers and staff. Women shall be detained separately from male detainees. Pregnant women and nursing mothers shall be provided with special facilities in detention.

Law enforcement agencies shall not discriminate against women in recruitment, hiring, training, assignment, promotion, salary, or other career and administrative matters. Law enforcement agencies shall recruit sufficient numbers of women to ensure fair community representation and the protection of the rights of female suspects, arrestees and detainees.

Human Rights Practice

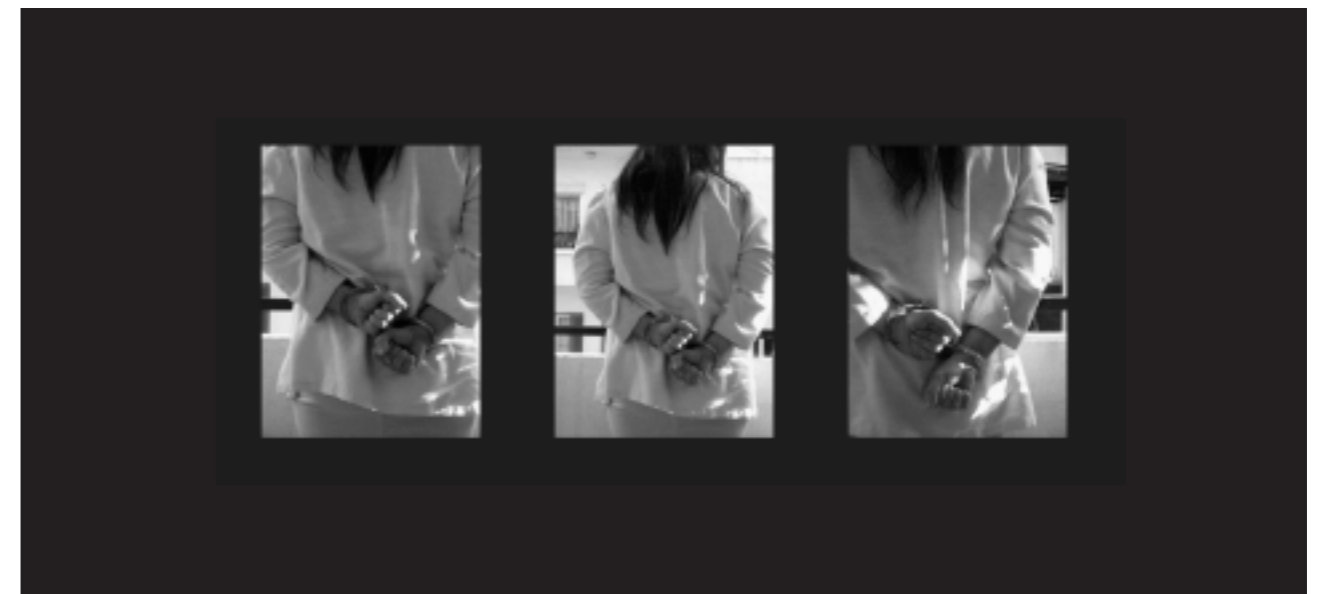
All police officials shall:

- Treat domestic violence crimes as legally equivalent to other assaults;
- Respond promptly to domestic violence and sexual violence calls; inform victims of available medical, social, psychological and material support; and provide transportation to a safe place;
- Investigate domestic violence thoroughly and professionally interviewing victims, witnesses, neighbors and medical professionals;
- Prepare detailed reports of domestic violence incidents and follow-up carefully, both with superiors and with victims; check reports against previous incidents in the files, and take all necessary action to prevent reoccurrence;
- After medical, administrative and other procedures have been completed, offer to accompany a victim of domestic violence to her home to move her personal effects to a safe place;
- Enroll in training to develop their skills in aiding and protecting victims of domestic violence;
- Cooperate closely with medical professionals and social agencies in handling cases of domestic violence;
- Ensure that a female officer is present during all contact with women offenders, and with women victims of crime, deferring cases to female colleagues, where possible;
- Separate female from male detainees ensuring that female officers supervise and search female detainees;
- Abstain from, and discourage, gender-insensitive conversations and jokes with male colleagues; and
- Ask female colleagues for their feelings and perceptions on any policies, practices, behavior or attitudes

which are gender-specific initiate improvements yourself, and support them in their efforts to do so.

Command and supervisory officials shall:

- Issue and enforce clear orders on prompt and effective responses to domestic violence calls and on the legal equivalence of domestic violence to other forms of assault;
- Provide regular training to officials on addressing violence against women;
- Establish a special police unit for domestic violence calls, and consider assigning social workers to serve in such units with police;
- Establish close liaison and joint strategies with medical professionals, social agencies, local "safe houses", and relevant community organizations;
- Assign female officers to deal with female victims of crime;
- Review recruitment, hiring, training and promotion policies to remove any gender bias;
- Assign female officers to carry out all searches and supervision of female detainees, and separate female from male detainees;
- Provide for special detention facilities for pregnant women and nursing mothers;
- Adopt policies prohibiting discrimination against officers on the basis of pregnancy or maternity;
- Establish open channels of communication for complaints or recommendations by female officers on issues of gender bias; and
- Increase patrols and preventive action in high-crime areas, including foot patrols and community involvement in crime prevention, to reduce the risk of violent crimes against women.



Female Criminality in the Arab World Inspected from a Human Rights Perspective

■ Zeina Mohanna*

Human Rights Specialist and Activist

I- History & Theoretical Background

Female prisoner from Kamis Moshit,¹ a married woman in her 20's, murdered a young man in her house; subsequently she was sentenced for seven years of jail with hard labor.

Western human rights organizations² heavily criticized the ruling of seven years, perceiving the sentence as arbitrary since it lacks accurate consideration and study of the motives and context involved in the crime. The harassment she endured and her right to self-defense, dignity and well-being³ were underestimated. Furthermore, Western organizations questioned the impartiality and transparency of the judicial system that lacks a written detailed penal code and criminal law that have specifications for punishment in the different categories of crimes. In addition, these organizations raised a concern about the level of respect to human rights and the preservation of the dignity of the people, labeling this case as a breach of human rights according to international norms.⁴

This case is one of many that are taking place in the Arab World where the rate of female criminality has been sharply increasing in the last three decades⁵ and where the efforts to prevent or study these issues are negligible.

Minimal research in this field is being conducted in the world, particularly in the Arab region; the cause can be traced back to three major issues. First, the Arab World is mainly constituted of third-world countries where the state is, or should be, primarily preoccupied in providing its people their basic rights (food, shelter, clothing, health, etc.). This fact prevents the state from allocating enough time and resources to solve issues such as female criminality. Second, the fact that the rate and gravity of male criminality are usually higher than female criminality; therefore, time and effort allocated to research male criminality issues are given priority. The third reason is the underestimation of the competence and proficiency of women in the Arab World. This misled presumption also inversely assumes that since women are not as physically capable as men then their capacity to commit crimes is therefore lower. This misperception is further reinforced especially considering the higher level of affection most women possess. Traditional perceptions of women as the image of devote motherhood, constantly preoccupied with and providing care for their children, is still the norm.⁶

Crimes committed by women are generally different from and less violent than the ones committed by men, as well as different in type. These crimes can be classified into five

main categories: theft, prostitution, drug use & trafficking, manslaughter & forgery. Amongst these categories, prostitution is the most rampant and is labeled as "the symbol of female criminality."⁷ Prostitution, a very appealing topic to the media, not only affects the offenders concerned, but females in general.

II- Causes of Female Criminality in the Arab World

Linking the causes of female criminality with the lack of human rights concerning women reveals diverse reasons that would provoke crimes and can assist in establishing ways to avoid them. One proactive crime prevention measure can be accomplished by guaranteeing the rights and the freedoms of every human being. The last century witnessed various atrocities; as a result, principles of human rights earned value because of the excessive need for "the recognition of the inherent dignity and the equal and inalienable rights of all the members of the human family in the foundation of freedom, justice, and peace in the world."⁸ The aim of human rights for everybody is to improve the condition of humanity by providing equal rights to the people in the hope of minimizing the probability of acts of violence against society and its members. Thus, the main causes that drive an Arab female to commit a crime would be: poverty, gender-based violence, education, patriarchal society, discriminatory laws, political conflict, abnormal family bonds and the economic situation of the society. Subsequently, each factor (considered as a direct or an indirect reason for female criminality) is discussed in parallel with the consecutive rights mentioned in various human rights documents.

Poverty

The concept of "feminization of poverty" draws a link between criminal women on one side and poverty on the other.⁹ This concept assumes that women are pushed to commit criminal acts as a result of their economic situation, which in return jeopardizes the normal flow of their life and the lives of their children. Economic losses, unemployment and poverty increase the risk of women's involvement in criminal activities especially in the case where women are single or widowed and lack moral and economic support; hence, they mainly resort to theft and prostitution.

Many women, who commit crimes because of poverty, are victims of triple jeopardy: class, race and gender oppression. Many of the female offenders have been victims themselves and the problem is that our society is not willing to address these different layers of victimization. As a result, females are labeled as offenders in opposition to what they really are: victims.¹⁰ The state has the duty to remedy this grievance and insure adequate conditions of living, which are mainly food, shelter, clothes, and health

(Article 25 of Universal Declaration of Human Rights, UDHR and Article 11 of International Covenant on Economic, Social and Cultural Rights, (ICESCR)), social security (Article 22 in UDHR and Article 9 in ICESCR) and decreasing the level of prostitution (Article 6 in Convention on the Elimination of all Forms of Discrimination Against Women, CEDAW).

Gender-Based Violence

The most predominant factor behind female criminality in the West and in the Arab World is considered to be psychological distress. The main cause for this distress is gender-based violence (GBV) perpetrated by men that comes as a result of the historical submission of women to men. In some cases, the reaction to GBV is translated into acts of crime that can be justified when regarding women's right to self-defense. "If we look at the reasons behind men killing their wives we find that most of them are silly reasons. On the other hand, we find that in the case of wives killing their husbands, the motives are usually self-defense or defending their children. Such women are usually living under abusive conditions, either mental or physical, and in most cases they are both."¹¹ This abuse is internationally remedied by attempts to eliminate torture, cruel, inhuman or degrading treatment according to Article 5 of the UDHR 5 and Article 7 of the ICCPR.

Education

Females with low educational levels are more prone to commit crimes than educated ones; therefore, there is a necessity to ensure respect for the right for women to a free and obligatory education in the elementary level at school as explained in Article 26 of the UDHR, Article 10 of the CEDAW and Articles 10 and 13 of ICESCR. The marriage of women at an early age jeopardizes their level of education and consequently affects their knowledge of responsibilities in marriage and maternity.¹²

Patriarchal Society

In ancient times, women have taken the position of the obedient homemaker who seeks the wellbeing of the children.¹³ Whereas, the father is the strong figure of society who insures the income of the family, who takes tough responsibilities requiring physical strength, and participates in wars. As years went by, women decided to acquire their equal status with men. The struggle for equality took many shapes and dimensions in the patriarchal societies of the Arab World whether talking about equal rights or about compliance in duties with men. Again, one of the roles that women took was the participation in combat during the wars of the 20th century, which led to involvement in violent and aggressive acts resulting in crime.

Crime was always found under the list of masculine traits, tending to link powerful images of men with crime; how-

ever, the equality of women can always be aspired through feminist theories and from Articles 1 and 2 of UDHR, Article 3 of ICCPR and Articles 3 and 5 of CEDAW.

Discriminatory Laws

The fight for equality and the attempt to eliminate discrimination requires the amendment of Arab laws that are unjust especially when it comes to family law, which entails divorce, marriage, custody and inheritance. Family law in the Arab World presents an egregious example of discrimination that denies women many rights that are protected under international human rights law, where the legal standing of women is undermined both in private and public realms.¹⁴ The right to recognition as a person before the law is set in Article 7, 16 and 26 of the UDHR.

Political Conflict

As mentioned before, the large number of wars and conflicts during the last century in the Arab world required women to endure and to participate in combat, which exposed them to a higher level of violence and made them more prone to commit crimes in society. Similarly, the exposure of youth to the atrocities of the wars and to violent situations can be a factor behind the increasing rate of crime in society. Hence, the long years of civil wars, world wars or historical wars in the Arab region let women witness continuous horrible atrocities and unjust acts where the value of the human being deteriorated. Those acts against humanity did influence women to take revenge and ensure their self-defense through crimes; especially in order to protect their children. The adverse situation of women in the Palestinian territories is an example of women under conflict and sometimes armed-conflict.

Psychological stress and trauma, resulting from political conflict or instability, drives women to be more vulnerable and at risk to commit crimes. Psychological stress and trauma can be aggravated by many factors, namely: the loss of home, poverty, loss of family members, witnessing violent acts, abuse, need to struggle for food, loss of control, loss of personal choice, loss of social networks and community.

Abnormal Family Bonds

"Low parental support and affection predicted persistent hitting and predatory violence in females."¹⁵ Again, the control theory of the 1980's illustrates that girls are more attached to their parents;¹⁶ therefore a dysfunctional home would increase the rate of female criminality because ineffective family interaction and child-parent relations are keys to antisocial behavior. The CRC¹⁷ and the CEDAW¹⁸ (Article 5) fight abnormal family bounds by calling for a "family education including a proper understanding of maternity," and the right for a "healthy environment at home."

Economic Situation of the Society

The emancipation of women and increased economic opportunities for women allowed women to be as crime-prone as men.¹⁹ Sociological factors and environmental influences appear to have greater credibility in explaining criminal behavior.²⁰ Therefore, the deteriorating economic situation of societies, especially in countries with political conflicts like Lebanon, Palestine, Egypt and Iraq, women had to contribute to the income of the family by joining the workforce. Two deficiencies accompanied this necessity, first that women with low levels of education had to resort to illegal practices, such as prostitution. Secondly, females had to deal with a larger unit than their family, which increased the level of interaction and subsequently the crime rate. Crimes that women commit are considered to be final outward manifestations of an inner medical imbalance or social instability. Their punishment appears to be aimed principally at treatment and "re-socialization."²¹ The right to work and to adequate and equal conditions of employment is set in Article 23 of the UDHR, Article 11 of CEDAW and Articles 6 and 7 of ICESCR. To sum up, as women attain social positions similar to men their pattern of criminality will also become similar. However, the rise in crime is predominately among younger offenders.²²

III- Judicial System / Right to a Fair Trial

When talking about crimes, we can never disregard criminal proceedings and the judiciary system that affects negatively or positively the percentage of crime throughout history. A system that works on developing and guaranteeing the rule of law would limit the effects and consequences of crimes. On the contrary, a bias judiciary system would pave the way for an increasing crime rate where the offender, not sentenced or not punished fairly, has the liberty to commit more crimes. Usually, bias judiciary systems in the Arab World rely on religious courts (especially Muslim) that undermine the rights of the females suspected of committing a crime and often discriminating against women in the judgment while disregarding the specifics and context of the act. In brief, women are a minority in the judicial system where the punishment of female offenders perpetuates gender stereotypes.²³

In any case, international standards of human rights stress that everyone charged with criminal offense should be entitled to a fair and public hearing within reasonable time by an independent and impartial tribunal established by law and granted the following five measures:

- be informed about the nature and cause of the accusation against him/her;
- have adequate time and facilities for his/her defense;
- defend him/herself or get free legal assistance if required;
- examine and have examined witnesses against him/her and have free translation assistance in the court if required.

These measures and conditions are set in Articles 8, 9, 14 of ICCPR and Articles 8 and 10 of the UDHR.

However, Arab female offenders are subject to discrimination in their right to the presumption of innocence in courts that are usually presided over by male judges (Article 15 of ICCPR). Arab justice systems exaggerate the crimes of women²⁴ because, as already stated, females are usually presumed guilty until proven innocent.

IV- Effective Remedies and Precautions

Decreasing the rate of female criminality in the Arab World, or preventing an increase in the percentage, can be ensured through the implementation of many remedies and measures that should be taken by the state, the private sector and the civil society.

The recommendations below that should be made to the state and the private sector are: Firstly, emphasizing rehabilitation of offenders in prison to prevent further criminal recurrences once released is one of the main prevention measures, in addition, receiving adequate social and community programming during imprisonment as stated in Article 10 of ICCPR. These programs could help prevent women from continuing to commit crimes. Secondly, developing policies to decrease the poverty rate to alleviate the unfortunate economical situation in the country, with an aim towards a social welfare system. Thirdly, minimizing the involvement of women in political crimes, especially in times of conflict and wars, is also an important point to stress. Fourthly, attempting to decrease the availability of illegal substances in society²⁵. Primarily, promoting change in cultural attitudes and customary practices in the population to lessen the impact of the patriarchal structure in Arab society by ensuring gender equality on all levels. Again, more research should be conducted in this field in order to analyze the real causes behind each type of crime and work separately on its prevention. Finally, the state should enforce the application of obligatory and free education in school that would raise awareness of the youth on the consequences of the crimes. Again, education would act on decreasing the rate of prostitution by qualifying youth with knowledge that would help them have more skills and expertise to get decent jobs.

Civil society and NGOs should intensify their efforts to spread more programs about gender mainstreaming, aiming for public awareness and for women empowerment; with the additional aim of overcoming social constraints for non-violent behavior. Then, spread the principles of human rights in society in order to develop humanitarian feelings in people and prevent them to act in the violent language of crimes. Again, empowerment of women accords certain advantages such as employment or educational preferences in areas where women have historically lacked access or dif-

ferential rights such as paid maternity leaves, or the state and criminal justice system's cooperation in enforcing laws that protect women.²⁶ It is the responsibility of society not to further fear and alienate women who act violently, but to be aware of the factors that lead to violent behavior. In addition, social policy developers must identify these risk factors and develop programs to prevent and intervene before violence occurs; especially, outreach programs to identify individuals who are at a high risk for violent behavior in order to prevent criminal acts. Finally, grant women equal conditions of employment and work.

The recommendations that can be addressed to the judiciary system are: to work on the enforcement of the rule of law for the insurance of a sound and independent judiciary with competent courts that act impartially to gender, and that develop a detailed body of criminal law linking a specific penalty to each type of crime committed in diverse circumstances in order to avoid arbitrary judgments, especially to vulnerable people. Again, make sure that the proceedings of the case take place in a competent court. Guarantee impartiality in the courts, which will eliminate the current misperception that women are seen as guilty until proven innocent, not the opposite. This can also rely on the fact that women charged with offences is more dramatic today because the justice system has been more lenient on female offenders in the past.

V- Conclusion:

The question that can always be asked is: Why do human beings commit crimes? Is it part of the "survival of the fittest theory"? Do humans act to satisfy survival instincts when committing crimes? Is it a state of psychological disorder or is it simply that the criminal is victim to numerous pressures from harsh conditions of living and from other people who could push him/her to act violently?

Since it is a fact that crimes have huge consequences on society and individuals, it is crucial to pay attention to crimes committed by women in the Arab World and try to figure out the causes; however, studies and analysis mainly victimize women. There is a certain trend of normalization of violence from both sexes whereby very few rebel against gender-based violence. Analyzing the increase of female criminality in the last decades from a human rights perspective, many questions should be constantly asked and acted on: Do criminal women have fewer rights than criminal men? Do Arab states abide by the UDHR standards during trial? Hence, "if the state fails to act reasonably through the processes of the criminal law to protect women against violence, to punish the violators and to deter further violations than the relevant state is violating International Human Rights." In summary, "the lack of insurance of economic, social, cultural, civil and political rights forces many individuals in society to commit crimes."

Endnotes

*Zeina Mohanna earned her BA in Political Studies from the American University of Beirut (AUB), her MA in Human Rights and Democratization from the European Union Commission, and is attending the Lebanese University preparing for her Law Degree. Currently, she is the General Coordinator of a two-year project that aims to promote human rights in seven regions in Lebanon with a Lebanese NGO, Amel Association. She is also the Head of Research and Information Department at the Arab Center for the Development of the Rule of Law and Integrity. In addition, she is an instructor and trainer. She advocates for the sustainable development of the vulnerable and the deprived.

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Gender and Crime

Representations and Constructions of Deviant Femininity in Arab Cinema

■ Nada Addoum

Film Critic

To comprehend the mythos of an era we must investigate its mass culture rather than its canonical or "avant-garde" forms of art, for it is within the mass culture that we will unearth the era's vision of woman.

Nina Auerbach

Within the practice of film criticism in the Arab world, the task of providing a comprehensive view of the industrial, socio-cultural, and aesthetic factors which contribute to particular cinematographic representations of class, gender, and sexuality has never been adequately tackled. This article, however, cannot and does not pretend to fill this gap. Instead, it seeks to benefit from the opportunity present in the topic of "female criminality in the Arab world" to start examining the forces and institutions of bias, the cinematic history of various cultural groups and the relationship between film and Arab' culture's definitions of femininity and masculinity.

For a reading of audiovisual products from such a perspective, we must challenge everyday notions of criminality and gender stereotypes about those who violate the law. In this way we can encourage thought and debate about crime and punishment and understand them as social constructions carrying different meanings for different communities.

As we explore how crime is conceptualized within a culture by comparing notions of lawbreaking and violence throughout history and in different cultures, and grappling with the different ways of perceiving deviance, we can draw two conclusions: First, crime is "constructed" and conceptualized by the state and powerful public institutions; and second, the mass media (newspapers, television and film, fiction and non-fiction) is the powerful force-space in which most of us encounter crime.

In its rudimentary sense, crime is that which threatens or violates the social order and the law. Yet, is the law defined simply as "most processes of social control" as anthropologist Bronislaw Malinowski would have it, or as "social control through the systematic application of the (physical) force of politically organized society" as Radcliffe-Brown defines it? If Malinowski's stand is adopted, in the urban and 'postmodern' societies, does increasing ambiguity about what defines the moral norms challenge the dominant moral order (where crime and the law are perceived in absolute terms)? One might go so far as to wonder if crime is necessary in binding members of society together, shocking people's sentiments and thus uniting the majority, as Emile Durkheim suggests. In other words, is crime necessary for the social order, and do representations of crime serve

the purpose of maintaining the social order through conformity, obedience, and self-censorship?

Ironically, fear of crime often translates into fear of men. Scholarship today is only just beginning to fully address issues of gender and crime. Although feminist criminologists and other social scientists who study crime are making female offenders visible, their work still reinforces the concept of the male as the "universal" criminal and of women as "gendered", thereby reinforcing pre-existing gender taxonomies and establishing further that the study of crime cannot be separated from the study of its representation in the mass media. Most ideas about legality – whether dealing with potential criminals or victims – criminals and deviance, can be seen through the widely disseminated representations of crime. A study of the media itself, as an institution in people's lives and in spectators' minds, is at the root of a serious reflection on the production and perpetuation of stereotypes about "criminality".

Women, Crime and Cinema

Although, as Christine Gledhill notes (1994, p. 12), "the twentieth century has seen an acceleration in the processes of the emancipation of women and an intensification of the contradictions surrounding the sexual division of labour and reproduction, so that women perhaps more crucially than before constitute a consciously perceived social problem," progressive representations of women in cinema are still rare, and this does not only apply to cinema in the Arab world. Narrative structures often reinforce and validate women's position in Arab culture – submissive to the patriarchal and state order.

The seduction of men is equated with female autonomy and agency; hence the "independent" woman is often viewed as a manipulator of male impulses, and the catalyst of the male hero's downfall. Independence positions women on the margin and outside conventional roles. Therefore, having rejected her conventional place as wife and mother, the woman begins to represent a threat to patriarchal family structure, to masculine accomplishments, and perhaps most significantly, to the homo-social relationships established between men. Hence, as part of the cultural "normalization" project, female independence needs to be reigned in, or redirected in deference to the moral order, in order to reinforce patriarchal authority and power.

An association between women, criminality and sexuality is evident in two stereotypes present in the wide-ranging corpus of film this article reviews: the femme fatale and the prostitute. The working woman often ends up a prostitute or a dancer, (Nadia Lotfi in *Abi Faouq al Shaggara*² and Yossra in *Al Irbab wal Kabab*³) which often functions to reaffirm the extent to which women's work involves sexual performance. The criminality of the prostitute can be set

against the femme fatale's more mysterious and glamorous exploitation of her own allure. Both are involved in deceit, yet the prostitute is set to signify a position of relative "honesty" (the tart with a heart). Therefore, the role of the woman as 'sexual' alternates between the corpse (Nadia Lotfi's character) that society does not grieve for, and the good-hearted caricature of a woman (Yossra's character). Of course, it is important to note that a prostitute is a symbol of transgression from both the law of the state and of patriarchy.

In *Abi Faouq al Shaggara*, Abdel Halim's character, Adel, is seduced out of his bourgeois ennui by Firdauss. He follows her and forgets all about his "real" love for Mervat Amin's character. Accordingly, the sexually expressive woman, deviant as she is, is brought under ideological control. However, the form of control varies: throughout the film, the femme fatale is either re-inscribed into the dominant patriarchal order (usually as one passive half of a heterosexual couple), or killed (often by the hero himself) if her transgression was too great (the divine manifestation of patriarchal, institutionalised religion).

The representations of moral crimes committed by women work within a variety of femininity subtypes, and are defined and re-defined through the body, and through the invocation of and transgression from female appropriate behaviours. Some femme fatale figures are multiple transgressors of state law and moral order. For example, Hind Rostom's character in *Bab Al Hadiq*⁴ is not only sexually promiscuous, but also a pickpocket; she is a "castrating woman" and a thief. The film noir structures itself around Youssef Chahine's male protagonist and slowly reveals the mystery of womanhood – specifically, the evilness of the femme fatale. It recalls Babener's definition of film noir as the "paranoid fantasies about the threat to patriarchal authority posed by weakened manhood, female sexuality, and feminist empowerment." Needless to say, Rostom's story ends in rape and murder committed by the obsessive peeping tom, Chahine.

In the 2004 film, *Khalty Faransa*⁵, Abla Kamel and Mona Zaki play the role of two 'cute' criminals who are neither outlaws nor criminals, but hero-bandits. These heroic outlaws are considered criminals by the authorities and honourable, moral women by different local communities. Their deviant characters seem like a variant of the populist, action-hero, modern-day Robin Hood, who, in order to restore justice, must break the law. The position of the heroine in relation to state institutions is often problematic, yet is always invariably normalised and 'made legal' by the hero (at the end of the film, Mona Zaki marries Amr Waked's character). Although the film's structure and narrative trajectory centre on the perspective of the woman, as the story progresses, it takes the form of a metaphorical striptease;

the peeling off of the layers of "disguise" in order to reveal the "good" or "bad" woman underneath. And as expected, these women are in fact "good", with the narrative marginalising their representation further, all the while pretending to empower them.

Threats to Masculinity

A question remains unanswered: At what point does a powerful, onscreen heroine cease to be exciting or compelling and become actively threatening to the audience's masculinity? What measures will be taken to reverse this perceived threat and make it manageable?

The *Raya wa Sekina*⁶ story is a prime case study of unreformed social deviants which may shed light on this issue. Decades after making their first appearance in the 1953 Egyptian cinematographic adaptation of director Salah Abu Seif's story, Raya and Sekina continue to cause trouble. Indeed, their names have entered popular culture as shorthand for women engaged in overt criminality. Last year, a televised series sporting their names was broadcast during the Ramadan fasting season. In some sense, this TV appropriation of a narrative, initially a play turned film, represents the latest in a succession of efforts to limit and/or redefine the meaning of Raya, played by Abla Kamel, and Sekina played by Somoya Al Khashab, and their status as outlaws. The story reads as an exploration of female violence, yet is embedded with the conservative message that female criminality must be contained because it erodes femininity.

In refusing to act like "ladies", Raya and Sekina challenge the gender balance and the social order based upon it. Many spectators and critics decried what they perceived to be gratuitous violence performed by the two women and ignoring, or at least understating, the underlying causes for their outrage. Furthermore, the series' critics claimed it to be un-befitting of the Holy Month and found in the male characters (nearly all of whom seek to apprehend and punish these women) an allegory showing that a woman's duty to her country is to relinquish personal autonomy. Raya and Sekina's crime, thus, is their attempt to generate a new signifying practice and, in the process, expand and reconfigure Egyptian Muslim citizenship.

In the register of gender relations, '*Raya wa Sekina*' provokes gender identity reification, as opposed to cross-gender identification. They challenge the state, but their rebellion also challenges the seemingly coherent category of gender and violence. Unlike the cute woman hero-bandit, they are criminals, and their criminality can be redressed only by the re-institution of "appropriate" gender boundaries.

Gender categorization designates "appropriate" and "inappropriate" behaviors, and the power of the law is that it posits a representational schema that reinforces this dif-

ferentiation. The label that Raya and Sekina are "bad" women, also stigmatizes them as "bad" citizens. Eventually, however, Raya and Sekina both take pride and pleasure in their knife-slinging, refusing to be passive before a law that defines in advance what all women must be. Left unpunished, the two women represent a significant social threat, beyond that of state law. Hence, Raya and Sekina's transgression signifies more than mere bloodlust. They take on roles traditionally occupied by men in order to shock.

Moreover, Raya and Sekina exceed the parameters of acceptable citizenship, and the state must respond by restoring "order". Left unrestrained, the two would embody an alternative practice of citizenship that would challenge not just the law, but the very definition of "acceptable freedom".

The audience's exaggerated reaction demonstrates the anxiety provoked by female outlawry. "The unrestrained body is a statement or a language about unrestrained morality," historian Bryan S. Turner notes, and "to control women's bodies is to control their personalities, and represents an act of authority over the body in the interests of public order organized around male values of what is rational." (Turner, 1984)

One twist employed by Raya and Sekina which further confuses the male/female, citizen/criminal distinction is their use of disguise. Disguise serves to signify that the success of their story relies on their ability to stay out of sight, taking the police years to catch on to them. They re-create themselves through exchanging clothes with their victims, and cross-dressing, showing the creative possibilities of interchangeable subjectivities. Rejecting their old restrained selves, both women divest themselves of what signifies lawful personhood. Marjorie Garber (1992, p. 17) argues that transvestism functions as a "third", disrupting dualistic schemas and causing "category crisis". Therefore, transvestism can be perceived, in Garber's judgment, as "a space of possibility structuring and confounding culture: the disruptive element that intervenes, not just a category crisis of male and female, but the crisis of category itself." Such a disruption has implications for the various laws which outline normative behaviour. Garber adds that, "the binary male/female, the ground for the distinction (in contemporary eyes, at least) between 'this' and 'that', 'him' and 'me', is itself put in question in transvestism; and a transvestite figure, or a transvestite mode, will always function as a sign of over-determination – a mechanism of displacement from one blurred boundary to another". (1992, p. 16)

The women get arrested, and sentenced. Thus, the law re-establishes "order", reinforcing the idea, through this choice of narrative, that the production of such criminality is one of the methods through which the nation affirms itself, its borders, and its "rightful" subjects.

Many more issues can be examined, whether through the above-mentioned analytical tools or through a mere reading of the gentrification of offences committed by deviant women in Arab cinema, and the opposing images of mas-

culinity. Additional readings will hopefully lead to the recognition of the importance of thinking about cinema beyond the survey practice, as a mirror which constructs and displays society's value systems.

Endnotes

1. Using the term with assumption that such a unified category exists.
2. *Abi Faouq al Shaggara* 1969 directed by Hussein Kamal recounts the story of Adel (Abdel Halim Hafez), a college student, who goes to Alexandria to spend his summer vacation there. The conservative attitude of his girlfriend Amal (Mervat Amin) leads the disappointed Adel into a club one night. He sees Firdaus (Nadia Lotfi) the dancer for the first time. He soon falls in love with her and then moves into her apartment. The change in lifestyle and the shocking love story he shares with her, prompts his father to intervene. It is then that Adel confronts Firdaus' darkside, saves his dad and returns to Amal.
3. *Al-Irhab wal Kabab* directed by Sherif Arafa is a farce denouncing the absurdity of bureaucracy in modern Egypt. Adel Imam, Egypt's leading comic actor, is a father who wants to move his son to a school closer to home. He goes to El-Mugamaa, the center of Cairo's monolithic bureaucracy, to pick up the required documents. Frustrated by the lack of response, he ends up attacking a fundamentalist official and, when armed police respond to the situation, a machine gun accidentally finds its way into Imam's hands. As a terrorist, his demands to the Minister of Internal Affairs are simple: Shish Kebab made of high-class lamb. After having a hearty meal with his hostages, however, his demands become more political.
4. *Bab Al Hadid* directed by Youssef Chahine portrays how Cairo's main railroad station is used to represent all of Egyptian society. We see a community comprised of luggage carriers and soft-drink vendors living in abandoned train cars. A crippled newspaper dealer, Kinawi (played by Chahine himself), falls in love with the beautiful but indifferent Hanuma (Hind Rostom), a lemonade seller who only has eyes for the handsome Abu Sri'. Swept away by his obsessive desire, Kinawi kidnaps the object of his passion, with terrible consequences.
5. *Khalty Faransa* 2004 directed by Ali Ragab recounts the story of Faransa (Abla Kamel), a drug dealer who is in charge of raising her nieces Batta (Mona Zaki) and Wezza (Maha Ammar). Batta is forced to drop out of school to pursue her aunt's career and she devises a series of futile attempts to escape this lifestyle. A humorous confrontation between Batta and Faransa leads to their arrest and Batta finds herself in the middle of a police scheme to bring down a criminal.
6. *Raya wa Sekina*: Raya and Sekina are among that select group of criminals whose stories have entered the realm of Egyptian folklore. With the assistance of their husbands, they hatched a scheme that would result in the murder of about 17 women who were killed, stripped of their jewellery, and then buried in the basement of a building. The series of crimes was performed against the backdrop of the 1919 revolution, beginning in Alexandria in November 1919 and continuing for a year. Finally arrested, they were tried and sentenced to death in 1921.

The story has been subject to a number of adaptations. In 1953 it was adapted for the screen as the film, *Raya wa Sekina*, scripted by the late Naguib Mahfouz and directed by Salah Abu Seif. The

plotline focussed on the police officer (Anwar Wagdy) leading the investigation into the murders while the two title characters (played respectively by Negma Ibrahim and Zouzou Hamdi El-Hakim) appeared only fleetingly.

In 1988 they re-appeared in the play starring comedian Soheir El-Babli and the popular singer Shadia as the title characters. With stars in the title roles, the two women were definitely the most visible and even depicted as reasonably sympathetic.

The most recent adaptation, a television serial (with Abla Kamel and Somaya Al-Khashab), pays far greater attention to the social and psychological motives which led the two sisters into their life of crime. Directed by Gamal Abdel-Hamid, and scripted by Mustafa Muharam, the serial is based on the 600-page *Regal Raya wa Sekina: Sira Siyasiya Wa Igtimaiya* (Men behind Raya and Sekina: A Political and Social Biography), by Salah Eissa, editor of the cultural weekly *Al-Qahira*.

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Female Violence during the Egyptian Legislative Elections 2005

Egyptian Women *Baltajiya*

■ Lina Abou Jawdeh

Research Assistant, Crime Research Center
American University College of Science and Technology (AUST)

The 2005 Egyptian Legislative Elections turned out to be a beneficial time for the *baltajiya* (bouncers in Egyptian dialect). The *baltajiya* is a group of muscular men or women hired by candidates to attend electoral rallies and support them. They are also hired to beat up and harass opponents and their supporters.

The trend of spending lavishly on votes is espoused by wealthy candidates (described as electoral bribery), and has contributed to the expansion of the *baltajiya* phenomenon. Profits are fast and generous. A *baltaji*'s salary varies from 300 to 500 Egyptian pounds on a single election day, which is equivalent to the monthly salary of some employees.

During the period when local newspapers were conducting what they termed "scientific research", the bribery rate was estimated at 5 billion Egyptian pounds (around \$820 million). Local newspapers and websites, such as the "Electronic Opposition Movement", unearthed some details about how these *baltajiya* are paid to 'defeat' an opponent, or to collect overdue fees and cheques from supporters.

What is of particular interest is that the majority of these gangs are usually led by divorced women who had suffered at the hands of their former husbands, or who had been

exploited in their former jobs. Their experiences have apparently led them to vow revenge on men by working as *baltajiya* and *foutouwa*. Some authors, however, consider this to be a misrepresentation of the *foutouwa* concept, which is commonly mentioned in Egyptian literature, including Nagib Mahfouz's novels. It is based on the idea of someone securing the rights of the marginalized in return for money. Recently, this concept has been replaced with the appalling notion of the *baltaji*.

The Origin of the Word *Baltaji*

The word *baltaji* has become popular and entered common usage in Egypt since the beginning of the elections more than 40 years ago. The nature of their work is to violently prevent other candidates' supporters from voting. Sami Farad, author of the Farad Dictionary of Egyptian Slang and Rural Expressions for Industries and Artisans, states that the word *baltaji* is of Turkish origin, with its roots in the word "*balata*", that is, that which cuts down or the instrument used to cut down trees. During Ottoman rule, the *baltajiya* soldiers led the conquering forces who used to break through the fortress walls of enemy cities.

He added that, "The word *baltaji* didn't have negative connotations; people were named after them such as the

baltaji Moustafa Bacha, who was the ruler of Egypt from 1752-1755 before the end of Turkish rule. Also, during the era of Mohammed Ali, the Egyptian ruler, the *baltajiya* forces existed in the army. But in the first half of the 20th century, the word *baltaji* acquired a negative connotation, referring to a reckless and dangerous person. This new meaning lasted until later in the century, before an end was put to the work of *baltajiyas* and their frightening tactics. The word was no longer a synonym for criminal."

Najlaa Al Luxe and the Bacha

Mohammad Al Sayed, editor of the "Hamassouna" website, claims that a group of *baltajiya* was hired to beat up on Muslim Brothers' supporters in one of the local elections. The Brothers had given Mr. Al Sayed a tape recording of a conversation between drunken *baltajiya* accidentally recorded in Port Said at the end of election day. Unknowingly, the *baltajiya* had confessed important details about their employment and remuneration for the election day attack on the Brothers. The conversation was as follows:

"- How many are you?

- We are a big group and Najlaa El Luxe is with us.

- Who is Najlaa El Luxe?

- *Bacha*, is there anyone who doesn't know Najlaa El Luxe?

- How much did you earn for what you did; because we heard that you mugged the Brothers!

- 200 Egyptian pounds each, but Najlaa El Lux took 500, and she received it from the Bacha himself (the Secretary-General of the party) who said she had a vital role to play in the elections.

- So Najlaa took more than you did?

- Yes, but we were humiliated and told off. People attacked us. Some of us were even sent to the hospital.

- Who paid the fees?

- We threatened the ones who hired us, and the *Bacha* had to go pay the Al Souleiman hospital fees in person."¹

Wael Abbas, editor of "Electronic Awareness", alleges that there are a lot of pictures and video tapes showing money exchanges and agreements between the *baltajiya*, governing party candidates and their representatives, in addition to scenes of ruthless women molesting young girls, especially those of the Muslim Brotherhood. In addition, there are pictures of the vehicles transporting the sword-bearing *baltajiya*, showing them deliberately breaking laws. Many of these images were published in the local press.

This phenomenon is not confined to Najlaa El Luxe in Port Said, but has spread to many other areas and now includes the majority of regions in Egypt. Very quickly, the *baltajis* have become a card in the electoral season. They are chosen based on specific criteria, especially their ability to ensure quick service. They are paid between 30 to 100 Egyptian pounds (\$5 to \$16), with rates sometimes reaching 700 Egyptian pounds (\$100).

Mohammad Al Sayed, quotes M. Adel, a member of the Brotherhood in Cairo, saying that there was no reaction from the Brothers following the *baltajiya* attack which took place in the first phase of the elections. "However, during the subsequent period, the Brotherhood decided to defend itself. The idea was to form 'prevention groups' within each candidate's camp, enabling them to face the *baltajiya* without the use of weapons."² This reinforces what the leader of the Muslim Brotherhood had said to the local press, accusing the *baltajiya* of the role they played in the campaign, and claiming that the Brothers were merely protecting themselves.

However, the problem many young Muslim Brotherhood members face in the conservative rural provinces is dealing with the dangerous female *baltajiya* who harass female relatives by pulling off their veils and verbally abusing them.

Mrs. Shar Al Tareek

Mrs. Shar Al Tareek, as she is nicknamed by her supporters, is considered to be the most famous *baltajiya* in Al Jiyara area in Cairo. Her real name is Kaydahom, and she denies working as a *baltajiya* for unworthy causes. She justifies her occupation by saying, "Our job is to secure people's rights. The client looks to us to defend him. For example, if a con-man gives him a bounced cheque, he hires us to make sure he's refunded. This is why our work is so important."³

When talking about practicing *baltaja* or *foutouwa* as a profession, Shar Al Tareek, who is a simple woman, says, "Men are unjust with me, upon seeing me they say I'm a bad woman. I once married a man who was unemployed and who divorced me a few days later because I bit him. Since then, I pledged to take revenge on all men."⁴ She later said that she has found in the *foutouwa* what she needed; it provides her with her only means of living since she has no one to pay her bills. Nevertheless, she did not deny rendering her services for free at times.

Saksaka and Majanes: The Law into Their Own Hands

Be cautious if you come across a Saksaka on the road. Woe unto the one who falls victim to "The Wild Saksaka", as her supporters call her. She, like Shar al Tareek, says, "Our job is limited to chastising the unjust, so we are a court that judges and follows through with its verdicts in a short period of time instead of procrastinating like the normal courts. A person may ask us to punish a neighbor who does not respect their customs, or causes constant harm to them. Or, we are asked to take revenge on a husband who tortures his wife for no apparent reason."⁵

According to various sources, there is also another *baltajiya* by the name of Majanes Al Dahel, who was alleged-

ly imprisoned because of a fight that ended in death. Majanes Al Dahel is a *baltajiya* for a good cause and that is why she abides by the "League of *Baltajiya's*" official price list for its services, in addition to special prices for mass requests:

- Dispraise: 800 Egyptian pounds

- Dispraise and rudeness: 1600 Egyptian pounds

- Enormous scandal: 3000 Egyptian pounds

- Normal scandal: 250 Egyptian pounds

- Disgrace: 500 Egyptian pounds

- Hit with an axe: 400 Egyptian pounds

Naphthalene *Baliyeh*, another famous *baltajiya*, denies the fact that her work is vicious. She describes herself as having a good heart, which is why she gives discounts for mass requests (a demand for multiple operations) even though it goes against the "League of *Baltajiya's*" official price list. She asserts that she does not hesitate to help the poor, performing some operations free of charge, especially since there are a lot of unjust people around, "I want to hit them for no reason; there are a lot of ruthless faces that deserve to be slaughtered."⁶

Last but not the least, there is Sister Mahboulat Al Chawareh, who goes by her real name. She's among the *baltajiya* known for their use of the hammer, and who perform impeccable Kung Fu techniques.

Mahboula states that she is happy to have remained unmarried, particularly after seeing her mother's misfortune with her husband, who used to beat her for no apparent reason. Accordingly, Mahboula decided to avenge her mother and all women; her crimes are violent and lead to permanent disability. Ironically, the victims of most of these crimes are women themselves, who, in turn, specialize in becoming *baltajiya*.

The *Baltajiya* and Unemployment

The Egyptian government does not conceal the rise in unemployment; but indicators differ between governmental sources and those of other economic experts. The government attributes this bad phase to the continuous fluctuation in the population of 72 million people, and to the inability of the economic market to encompass an increasing labor force of fresh graduates emerging annually.

Official statistics indicate that the unemployment rate in Egypt has reaches 9.9% of the work force; around 2.4 million people. On the other hand, other economic sources estimate the unemployed rate to be 4.5 million, while yet another source estimates it at 6 million.

Specialists say that the problem of the *baltajiya* is likely to increase because the rate of unemployment is on the rise and Egyptian students graduating average around

160,000 a year, while the number of secondary school diplomas holders is around 600,000. Thus, 350,000 graduates are expected to enter the job market, 150,000 of which are PhD holders.

The International Monetary Fund states that Egypt must achieve a growth of 6% to be able to find 600,000 job opportunities for the new graduates and the unemployed. If that happens, more people will use their time more wisely and desist from joining the *baltajiyas*.

Endnotes

1. <http://www.alarabiya.net/Articles/2005/12/01/19116.htm>

2. *Ibid.*

3. *Ibid.*

4. *Ibid.*

5. *Ibid.*

6. *Ibid.*

Egyptian Pharmacist Plots to Kidnap Company Owner's Daughter

Authorities in Alexandria arrested a female pharmacist for hiring a man to kidnap the daughter of a trading firm owner, demanding ransom. She gave him anesthetic to use on the child after kidnapping her from school, and the keys to her apartment, instructing him to take her there. The kidnapper leaked the information to the father, later confessing that he was hired for the kidnapping. He admitted that the pharmacist was plotting the kidnapping because she was in dire need of money. March 14, 2006 HYPERLINK "<http://www.alwafd.org/front/print.php?id=5384&tbl=accidentnews&tbl2>" <http://www.alwafd.org/front/print.php?id=5384&tbl=accidentnews&tbl2>

Egyptian Woman Kills her Mother-in-Law

An Egyptian woman strangled her mother-in-law to death, using a veil. The accused was arrested and confessed to committing the crime, claiming that she was taking revenge on the mother-in-law because the latter had been exerting pressure on the couple to cede their current apartment. It is alleged that on the day of the murder, the two women had had a long heated argument. The suspect then pushed the victim to the floor, strangling her to death. She then faked a robbery by stealing jewelry and money from the apartment. March 14, 2006 HYPERLINK "<http://www.alwafd.org/front/print.php?id=5383&tbl=accidentnews&tbl2>" <http://www.alwafd.org/front/print.php?id=5383&tbl=accidentnews&tbl2>

Women Behind Bars: Three Cases from Lebanon

■ Farah Hammoud

Social Worker, Tripoli Prison for Women

The testimonies below were collected directly by Farah Hammoud, the social worker in charge of overseeing the implementation of the project entitled "Rehabilitation, Vocational Training, and Reinsertion Programs for Women in Tripoli Prison" jointly organized by the Institute for Women's Studies in the Arab World and Dar Al-Amal.

Case 1

"What does the government benefit from locking up a woman of 59?" Kadiriyyah

It happened during the chaotic war years when all hell was breaking loose. Kadiriyyah's son had raped her niece, and she couldn't bear the idea that he refused to marry her (an act that would have absolved him, according to the Lebanese Penal Code), so she killed him. She killed him at a time when the Lebanese government was practically dysfunctional, and individuals were rarely held accountable for their crimes.

Many years passed before her crime was eventually reported. She was imprisoned in the early 1990's at the age of 50. In prison, a new chapter of her life began. She began to suffer from diabetes and asthma. After having lived a life of luxury, she was now forced to live off the lit-

tle money her daughter was sending her, which was barely sufficient to meet her everyday needs.

Kadiriyyah's problems started escalating when her daughter abruptly cut short her visits after hearing the rumor that Kadiriyyah was having a sexual relationship with a young female inmate. Her daughter believed the rumors and immediately condemned her mother without inquiring into the matter. According to her daughter, Kadiriyyah was unworthy of respect or sympathy.

As a result, Kadiriyyah, who was at that time approaching her sixties, had to earn her living by crocheting flowers. The less her daughter visited her, the more sad and lonely Kadiriyyah felt. Furthermore, the more deprived she was, the more attached to money and work she became.

These events took a toll on her health and her asthma attacks worsened. She became reserved about the real reasons her daughter was no longer visiting. She often came up with justifications such as "nobody likes prisoners" and "people take pleasure in your suffering and nobody wants to help you out." She would often ask me to call her daughter and ask her to visit.

Moreover, she urged me to lie on her behalf to the other inmates whenever they asked about her daughter. She wanted everyone to believe that her daughter wasn't visiting because she had traveled to the Gulf and that her daughter was writing to her and sending her money.

Kadiriyyah lacked proper healthcare since the availability of medication was dependent on the funds provided by the civil society organizations working in the prison. Moreover, she was deprived of familial love and of the bare necessities a woman her age requires (I distinctly remember how happy she was at a group Iftar during Ramadan when she tasted food she hadn't eaten in over 5 years).

During her last days, Kadiriyyah's situation worsened and she was rushed to the hospital. It was very painful seeing Kadiriyyah, her hands in cuffs, being forced onto a truck to transport her to the hospital. She tripped several times and even fell down while being escorted by the police officers. Yet, the latter refused to free her hands, claiming that she might escape. How was Kadiriyyah going to escape when she could hardly walk or speak?

After her death, very few inmates expressed pain and grief. In fact, her roommates rushed to divide among themselves what she had left behind in the form of canned goods and clothes.

Prison is no place for sorrow or commemoration. The most important thing is to stay alive.

Case 2

"My entire life changed in one instant. It took me by surprise." Basima

Basima is calm, pleasant, and well-loved by everyone. She always insists she knew nothing about life before she went to prison.

"During the nine months I have spent here so far, many things have changed. I have been repeatedly exposed to sexual harassment by one of the inmates. I witnessed the death of one of my dearest friends, due to acute psycho-

logical distress and a constant fear of living in this place. Prison is a harsh place. I hate it, I hate it."

In the autumn of last year, Basima's 20 year old brother Muhammad eloped with a minor called Leila, with whom he was having a romantic relationship.

Following a two-day search for Muhammad and Leila which proved unsuccessful, Leila's father, Ali, decided to take revenge on Muhammad's family, although they were unaware of their son's intention to get married.

Ali kept Basima and her mother under surveillance that night. He then kidnapped her at gunpoint, drove her to a rugged area in the barren mountains of Dunnyyeh and raped her. He callously beat her and humiliated her until she was in shock. Towards the break of dawn, while he fell asleep from drinking too much alcohol, Basima killed him with his own weapon.

She was caught and imprisoned along with her brother. This is where her harsh and painful journey began.

Basima's conduct inside the prison was impeccable. She was compassionate, loyal, caring, shy and innocent. She managed to preserve her purity and innocence even though she was imprisoned and despite the fact that she was surrounded by inmates who were in prison for various reasons including drug abuse, prostitution, forgery and fraud. Her inexperience along with her parents' dismal economic situation made her more vulnerable to

exploitation by others, who took advantage of her. Basima became known as the cell's "maid": cleaning, cooking, and counseling the inmates in return for food and clothing.

Moreover, she was not assigned an attorney until eight months had passed after her incarceration. Neither Basima nor her brother was called for a single hearing.

Basima, the poor and illiterate woman, needed help on several fronts. The plan was to try and provide her with an attorney who would be convinced of the necessity of defending a young girl whose future was ahead of her.

Prison is no place for sorrow or commemoration. The most important thing is to stay alive.

Basima is learning how to read, and is now able to bead and crochet. This has helped her secure a small income to cover her personal needs. She was even able to send money and gifts to her younger sister.

Basima feels that she is becoming more independent and self-confident.

"Today, ten months after my arrest, I'm trying to look at things with more optimism despite all the problems with this place, and the cruelty of the incidents I endured. Prison can be a place where we define our life's goals in a clear way. Nowadays, I can't wait to start taking hair-dressing class, because I would love to work in that domain once I leave here. I also believe that my self-confidence has become better in prison. The encouragement I get from my friends, their appreciation of my work and creativity, enabled me to hear things I had never heard outside prison."

Case 3

"I will not stay here for ten years. I have to die because I have no life since I killed the one who meant the world to me." Fatima

Fatima shot Mahmoud, her fiancé, whom she loved more than everything.

She worked as a salesperson earning a measly 250,000LL a month. She had also worked as a cleaning lady and an escort. She was driven by an obsession to make as much money as she could to satisfy her desire for clothes and mobile phones, and to fulfill Mahmoud's incessant needs. All those who knew him said he was a temperamental, violent and self-centered drug addict.

"I used to feel ugly and uneducated, so I would exert an extra effort to win Mahmoud's heart; and he knew how to drive me to get him what he wanted."

All the attention she gave him and the sacrifices she made did not stop him from rebuking her, threatening to travel and end their relationship, especially when he found out that she was dating a man he knew for money. It got worse when she refused to steal a gun from the family she used to work for so that Mahmoud could use it to settle old scores. Succumbing to the pressure, Fatima

stole the gun and was ready to hand it over. But that day he got enraged and called her the worst of names. He made it clear to her that he did not love her anymore, and he cursed the day he had met her. He informed her that he intended to marry his cousin in Australia, demanding that she disappear from his life once and for all because he intended to start anew, abroad.

Fatima could no longer tolerate it. She killed him and immediately handed herself in to the authorities. She entered prison carrying his pictures, and refused to talk to anyone about what she had done.

In prison, she didn't quite understand the rules of the game. She remained emotional and impulsively expressed what was on her mind. She would hardly think through or examine what she was about to say, justifying herself by saying that she had lost everything and what had remained wasn't worth preserving.

Six months passed, and she became a person who was disliked by many of her fellow inmates who considered her unable to "humor others and treat them pleasantly." They also considered that she knew too many of the prison's secrets. Fatima was therefore constantly bullied and threatened with transfer to another prison. This was terrifying because it meant she would no longer be able to see her family.

The threats reached their climax when Fatima decided to expose the secrets she knew. The inmates convinced the guards of the need to threaten Fatima and completely silence her otherwise the unimaginable would happen to her. She was terrified. Her last few hours were suffocating and painful. She had an acute asthma attack, while every-

one thought she was faking it.

She was not immediately treated and passed away. The inmates said that she had truly suffered before she died; her health having rapidly deteriorated due to the fear and worry she experienced during her last hours.

Nothing changed in the prison. No one regretted mistreating her. Fatima died as though nothing had happened.

Translated by Ahmad Ghaddar

*My entire
life changed
in one instant.
It took me
by surprise.*



The Problem with Female Criminality: A General Psychological Perspective

■ Ola Ataya

Psychologist

Facts about women in prison¹

The number of women in prison has increased by almost 100% during the 1990s in the United Kingdom. More than 60% of women prisoners are mothers; almost half of these have dependent children. The offences for which women are imprisoned are less serious than those committed by men, including 149 fine defaulters in 2000. More than 32% of women in prison are first offenders compared to 14% of men.

There is a common misconception that the criminal behavior of women and the delinquent behavior of girls are not serious problems. However, violence and crime perpetrated by women have skyrocketed in the latter part of the twentieth century, and the number of female criminals appears to be growing. Research on female criminality is showing that the pace at which women are being convicted of serious offenses is increasing faster than the pace at which men are being convicted.²

Females have been "forgotten" by the criminal justice community until very recently when their escalating numbers finally made them impossible to ignore. Currently, much research on female criminality is need-

ed in order to reduce the number of females committing crimes, and to reduce the factors leading to female crime.

Historically, there has been little interest in female crime since it was not seen as a pressing social problem. Women were seen as more likely to commit minor offenses, constituted a smaller proportion of the offender population and did not commit repeated offences. In other words, female criminals were essentially seen as anomalies. In contrast, there is no shortage of research on topics such as female insanity and maternal deprivation, subjects that have been identified as having greater social relevance.

Till a few decades ago, crime was considered to be predominantly a male phenomenon, but as women increasingly join the mainstream of the society, their share in crime has increased considerably the world over...Despite the increasing rate of the involvement of females in crime, social scientists and social defence planners have not paid much heed to understand and unravel manifold trends and tone of the offences committed by women. Rather, they have been branded more often than not, this way or the other.³

However, this was not the case in Britain during the Victorian era when "Victorian sociologists and social policy-makers were much concerned with the problem of criminal women. They had good reason to be."⁴ In the second half of the nineteenth century, over 1/5 of all those convicted of crime were women compared with today's figure of 1/8. Women made up 17% of the prison population, as opposed to 4% today. Furthermore, "as a double anomaly, as someone who had violated both the legal and gender codes, and as the quintessential symbol of the problems presented by a new popular culture, the criminal woman was a titillating figure, positioned dangerously on the cusp of cultural change. Over the centuries, females who deviated from expected and traditional roles were viewed as morally corrupt, hysterical, diseased, manipulative and devious."⁵ Female criminology, as a subject of investigation, of literature and the popular press, drew public attention to the instabilities and uncertainties of contemporary life. Like the hysterical patient, the female criminal was an enigma to herself. And like the hysterical patient, she exemplified, for popular and expert audiences, a range of issues including the so-called nature of woman. The criminal woman was identified as a problem not only due to increasing crime rates, or because she was perceived as scarier or as more disturbing than her male counterpart, but because she was considered to be at the centre of transitions that would define today's culture. A most intriguing phenomenon throughout history has been the criminal conduct of females, often perceived as the more tenderhearted gender. But very little "tender-heartedness" truly characterizes the acts of crime committed by women.

Illinois State University's Ralph Weisheit, distinguished Professor of Criminal Justice, found that "...women were becoming more stereotypically male in their reasons for murdering"⁶. He revealed that robbery and murders accounted for 42% of the cases in 1983, compared to 18% in 1940. Although males commit the vast majority of street violence, females seem to be catching up. "In 10 or 20 years, those statistics should be equal," predicts Dr. Coramae Ritchey Mann, Professor Emeritus of Criminal Justice at Indiana University.

The recent surge in crime among women illustrates that, in spite of the gentle nurturer stereotype, women have the capacity to be as violent as men. The difference, behavioural studies suggest, is that women need greater incentives to express that violence. Social change over the years, especially the greater gender equality, has possibly provided that incentive.

Motives Behind Female Criminality:

Women are often perceived as "soft" and vulnerable, unable to engage in crime and are usually accused of

being accomplices to crimes. In studying the aetiology of female criminality, we must always keep in mind the multiple causes and the interplay between them. The first set of factors is present in the environment and the second the personality traits of female criminals. Moreover, it is clear that their motives are as diverse as those of men and range from monetary gain, to pressure from gangs, to power, self-defence, drug addiction and a history of abuse, to sexual compulsions, mental illness, deprivation, and various forms of rivalry.

Also, some acts of violence are often a means to various ends and to acting out various roles. For example, some may pursue criminal behaviour in order to act out or defying an image constructed by society, or to develop an image that they perceive as cool or marginal. As stated above, women criminals often succumb to gang power, or follow a role model, or both as in the case of girls who belong to gangs. If they see those they respect committing a crime, they will tend to emulate. They may do it to receive and keep someone's attention or affection. Some women team up with men and get involved in their criminal activities (as accomplices or main actors) due to a form of silent emotional blackmail, or as part of their romantic involvement.

Here, it is also important to distinguish between acute and chronic offenders. Acute or one time offenders are those who commit crimes once or twice under certain circumstances. When such individuals are faced with a particular situation, they may yield to particular antisocial impulses, and, after having committed a crime, they will often be filled with remorse. A chronic offender, on the other hand, finds satisfaction and justification in his or her behaviour.⁷

Because of group pressures and the effect of childhood and the environment on criminality, researchers should examine aspects of juvenile delinquency which seem to be predictive of some adult criminality, in order to better devise effective intervention techniques and programs.

Psychogenic Approaches to Female Crime and Delinquency:

As stated earlier, researchers have outlined certain risk factors that contribute to women's involvement in violent crime, including unemployment, poverty, family violence, substance abuse, peer and psychological factors. These risk factors are not the sole contributors to the increase in women's crime or the perceived increase in women's violent offences, and they are by no means static.

The factors that make up family violence, such as verbal abuse, physical and/or sexual victimization by parents or other family members, parental rejection and neglect

have often been associated with the development of aggressive or deviant behaviour in children, including young women. In addition, antisocial personality disorder, conduct disorder, and depression are highly related to the appearance of angry and aggressive acts in women. These factors become most apparent during the teenage years, and remain in adulthood if not detected and treated.

In understanding the developmental issues that can lead girls to delinquency, it is also important to consider what females need for healthy development. The Swiss psychologist, Jean Piaget described several stages of cognitive development and also presented an explanation of moral development. His theory suggests that child development is predictive, normative, and positive in an environment where a child's developmental needs are generally met. If the child's developmental needs are met, he/she is able to accomplish specific developmental tasks and stages.

For example:

- The need for physical safety and healthy physical development is challenged by poverty, homelessness, violence, inadequate health care, inadequate nutrition, and substance abuse;
- The need for trust, love, respect, and validation from caring adults for healthy emotional development is chal-

lenged by abandonment, family dysfunction, and poor communication;

- The need for positive female role models to develop a healthy female identity is challenged by sexist attitudes and a lack of familial support;
- The need for safety in exploring sexuality for healthy sexual development is challenged by sexual abuse, exploitation, and negative ideas about female sexuality; and
- The need to belong, to feel competent and worthy is challenged by weakened family ties, negative peer influences, academic failure, and low self-esteem.

Approaches to female criminality may fall into three main categories: the Personality Approach or the trait approaches which emphasize internal personality disposition be they biological or psychological; the Social Learning Approach which emphasizes the importance of learning and socialization; and the Biological approaches to criminal behaviour which have existed for centuries in different forms (phrenology, nervous system, genes, evolution, etc.). These theories stress the importance of physiological and inherited factors that predispose individuals to criminal behaviour. According to these theories, individuals may inherit genetic predispositions making them prone to delinquency and may in addition suffer neurological dysfunctions and psychological disorders which can play a role in criminality.



Some social and psychological theories also state that as women assert themselves in typically male ways – that is, they become aggressive, pushy, and hard-headed – criminality become "masculinized". The opportunity theory, likewise, posits that as women attain social positions similar to men, their pattern of criminality will also become similar. For example, as the employment patterns of men and women become similar, so too will their patterns of employment related crimes.

Children with Conduct Disorder, Attention Deficit Disorder with or without hyperactivity (ADHD), and/or Antisocial Personality Disorder (ASPD) are more predisposed to a life of criminal activity. The main symptom associated with

antisocial personality disorder is a complete disregard for the rights of others and the rules of society. Sufferers seldom feel anxiety and or guilt for their wrong-doing. They tend to be manipulative, irresponsible, and apathetic to others and usually behave in ways to seek attention and momentary pleasure.

From the social learning perspective, Bandura and Walters stress the importance of modelling in their social learning theory of delinquency. They emphasize a tendency among individuals to learn and imitate aggressive behaviour from models who were seen to be rewarded for their aggressive acts, thus explaining how children acquire many of the behaviours from their peers and parents. In other words, through observation, they learn which behaviors, even the socially inappropriate ones, achieve desirable and rewarding results without drawing negative sanctions, and model them. When inappropriate behaviors are modeled for young children, especially if they are reinforced elsewhere such as in the media or in books, they are learned and later replicated in these children's social interactions. Interventions based upon the social learning perspective are therefore rooted in efforts to prevent children's early exposure to negative role models, and the promotion of skill development in those who have been exposed.

Many women offenders have been victims of physical and sexual violence. Although that is not an excuse for their crimes, it is impossible to ignore if the aim is their productive rehabilitation and reintegration into society. In the Arab world, factors like forced or early marriage, domestic violence, and the denial of women's basic rights all play a major role in leading to delinquency and crime. Dr. Nadira Wahdan, head of the Social Planning Department at the Cairo Centre for National Planning, pointed out that a given woman often reaches a point where she cannot handle any further abuse, and reacts in an instant by killing her husband. According to her, most of these women are uneducated, live under extreme poverty and have no other means to earn a living.

It is fair to ask whether societies are generally becoming more violent, therefore accounting for the higher rate of female crimes. Since much criminal behaviour begins in childhood or adolescence as emotional and social maladjustment, the eradication of crime depends principally upon the eradication of juvenile delinquency and its root causes. Adult offenders usually start out as youths, and once they begin following an antisocial or criminal path, it is difficult to turn back. Thus, it is vital to highlight the importance of positive youth development strategies that ensure supportive and caring environments for children and adolescents, encouraging them to interact with peers who exhibit positive behaviours.

Endnotes

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Breaking the Codes: Female Criminality in Fin-de-Siècle Paris

Ann-Louise Shapiro. Stanford:
Stanford University Press, 1996.

■ Reviewed by: Christopher E. Forth

Australian National University
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Ann-Louise Shapiro's *Breaking the Codes: Female Criminality in Fin-de-Siècle Paris* is a compelling and innovative cultural history of the problem of the female criminal in France at the turn of the century. Shapiro's work is also refreshingly distinct from other histories of this period in that it brings a sense of theoretical rigor to her primary argument that the female criminal was "a code that condensed, and thus obscured, other concerns" (p. 4). In this sense Shapiro's work is reminiscent of Mary Louise Roberts' *Civilization Without Sexes: Restructuring Gender in Postwar France, 1917-1927* (Chicago, 1994) and Maria Tatar's *Lustmord: Sexual Murder in Weimar Germany* (Princeton, 1995), recent works which address historical responses to the problem of dangerous femininity.

Shapiro draws upon a wide range of sources to make her case, including medical and legal texts, newspaper and journal articles, and a number of criminal dossiers from the Archives de la Prefecture de la Police. Distancing herself at once from the urbanist model of criminality proposed by Louis Chevalier and the "law-as-ideology" model generated by Marxists, Shapiro offers qualified praise of the work of Michel Foucault while rightfully pointing out its totalizing tendencies and

blindness to gender. Despite these reservations, it is nevertheless clear that the author operates within the methodological space opened up by Foucault and developed by scholars working in cultural studies and feminist theory. Motivated at once by an awareness of the pervasive power of discourse and an unwillingness to disable female agency, Shapiro plots a middle course between these alternatives: "It seems evident that women did not merely accept the cultural information about femaleness that proliferated across such a broad discursive field, but they could not ignore it either. They did not merely act out male fantasies of female deviance, but they did sometimes follow specific cultural scripts" (p. 6). This sensitivity to culture as a space of negotiation between competing interests and representations is one of the strengths of this study, and it is consistently demonstrated throughout its five chapters.

Chapter One, "Crime and Culture," asks why, in a society where women contributed to a small and declining percentage of all crimes committed, discourses about female criminality could become so disproportionately widespread. Shapiro locates the answer to this question at the intersection of two areas of cultural tension:

"new uncertainties about the role and place of women, and concerns about the nature of mass culture" (p. 15). In the writings of medical experts and criminologists, anxieties about the role of women in society frequently revolved around the figures of the proletarian woman, the prostitute, and the decadent bourgeoisie, all of whom represented destabilizing forces in an already unstable Third Republic. These experts, however, lost control over their official narratives through the proliferation of crime stories in popular literature, especially in the theater, the roman feuilleton, and the faits divers, which they blamed for compelling highly susceptible women to commit criminal deeds. This view was lent considerable credence by the number of women who admitted to having committed crimes like infanticide, poisoning, or adultery in partial imitation of things they had read.

In the second chapter, "Telling Criminal Stories," Shapiro uses fin-de-siecle court dossiers to explore the narratives generated by prosecutors and defendants with an eye to the tension-ridden process through which authoritative accounts of female criminality were constructed. Responding to the cultural fears of the time, prosecutors consistently represented criminal women in formulaic terms that conjured up the many ways in which a woman could be considered socially out-of-place. As the causes for such disturbances were frequently cast as exaggerations of tendencies shared by women generally (including irrationality, duplicity, and hysteria), one may share Shapiro's speculation that "woman's crime seemed to be at least in part her sex" (p. 68). In these official documents, women's countercharges of neglect, cruelty, and infidelity were typically silenced as prosecutors pressed their cultural stereotypes; in some instances expert medical testimony was even discounted if it conflicted with the version of the truth being constructed by the accusers.

The accounts given by female defendants, Shapiro argues, were the result of a sort of enforced collaboration between accuser and accused. In many cases, female defendants related accounts which corresponded to the formulae articulated by the prosecution and the stereotypes circulating in the wider culture, and thus they admitted to being out-of-control or mad when their crimes were committed. Yet in other instances women told stories that sharply contradicted the cultural scripts and found ways of including different kinds of information frustrating the representations generated by their accusers. In the case of Victorine Lelong, charged with hurling a pot of vitriol at her unfaithful lover, this took the form of a letter of explanation which brought conventional images of maternal devotion and domestic diligence to bear against the

stock representations of female jealousy and vengeance. While these oppositional narratives rarely had much effect on the official story produced, they vindicate Shapiro's point about viewing these criminal narratives as stories-in-tension.

Chapter Three, "Disordered Bodies, Disorderly Acts," expands at length upon a point made in the preceding chapter: that the problematic bodies of women were considered to be the source, not only of female criminality, but of the range of debilities associated with women generally. Where Chapter Two dealt with the judicial apparatus, this chapter draws attention to the powerful role of medicine in assessing criminal responsibility in the nineteenth century, with special attention given the maladies of hysteria and degeneration. Shapiro shows how, as the scientific counterpart to the narratives spun by prosecutors, the medico-legal report "worked rhetorically to construct in scientific terms the disabilities and incapacities of the feminine" (p. 116). Though these reports did not necessarily impact upon the decisions of juries, they were linked with and contributed to the diffuse cultural assumptions informing jury decisions.

Apart from the links made to a few interesting criminal cases and some rarely cited fin-de-siecle medical experts, this chapter's survey of hysteria, hypnosis, degeneration, kleptomania, and nymphomania does not bring many new insights to what is essentially well-trodden ground. It is nevertheless a useful discussion that resonates well with points made in other chapters. Moreover, it provides a vivid counterpoint to Shapiro's excursus on the medico-legal attitude to women accused of infanticide, a crime which surprisingly did not prompt the authorities to inquire into the disordered bodies of the accused.

"Love Stories," the very interesting fourth chapter, shifts attention to the crime of passion itself to explore the overarching contention that women who committed such acts were at heart women-in-love. Not only did this assumption form one aspect of the criminological scripts rehearsed by prosecutors, but one frequently finds women themselves admitting to having been pushed toward violence out of jealousy. Shapiro situates this discourse about women-in-love in terms of a popular tolerance for crimes of passion as the exercise of a right or as an instrument of justice, a collective moral belief that conflicted with the judicial imperative to punish such acts. The popular legitimacy enjoyed by the crime of passion, Shapiro claims, was thus tied to the common assumption that "only a love that would risk death – either one's own or that of another – was worthy of the name" (p. 143).

Chapter Five, "The Sexual Politics of Female Criminality," reveals the conceptual links bonding the female criminal to the feminist and the lesbian in the fin-de-siecle cultural imagination. Despite the patriarchal attitudes of many in the Third Republic, Shapiro notes the progress of limited reforms in the status of women during this period which produced a new image of the "disordered woman," the independent bourgeoisie whose desire for freedom could impel her toward feminism, adultery, or lesbianism. These unconventional modes of femininity, Shapiro argues, were conceptualized along the same lines as the female criminal, thus revealing the cultural matrix uniting various styles of female otherness.

Shapiro's study is wide-ranging and quite engaging.

While in places the author's use of cultural theory is formulaic and offers few surprises, it is presented in an accessible manner that illuminates rather than obscures the subject at hand. The author's attention to the wide circulation of medical conceptions of criminality and gender also places her study firmly in the tradition of Jan Goldstein, Ruth Harris, and Robert Nye. Yet by viewing hitherto untapped archival materials through the lens of cultural and feminist theory, Shapiro has added greater nuance to this body of scholarship and has made a real contribution to the field. This study will be welcomed by cultural, feminist, and literary scholars of fin-de-siecle France.

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