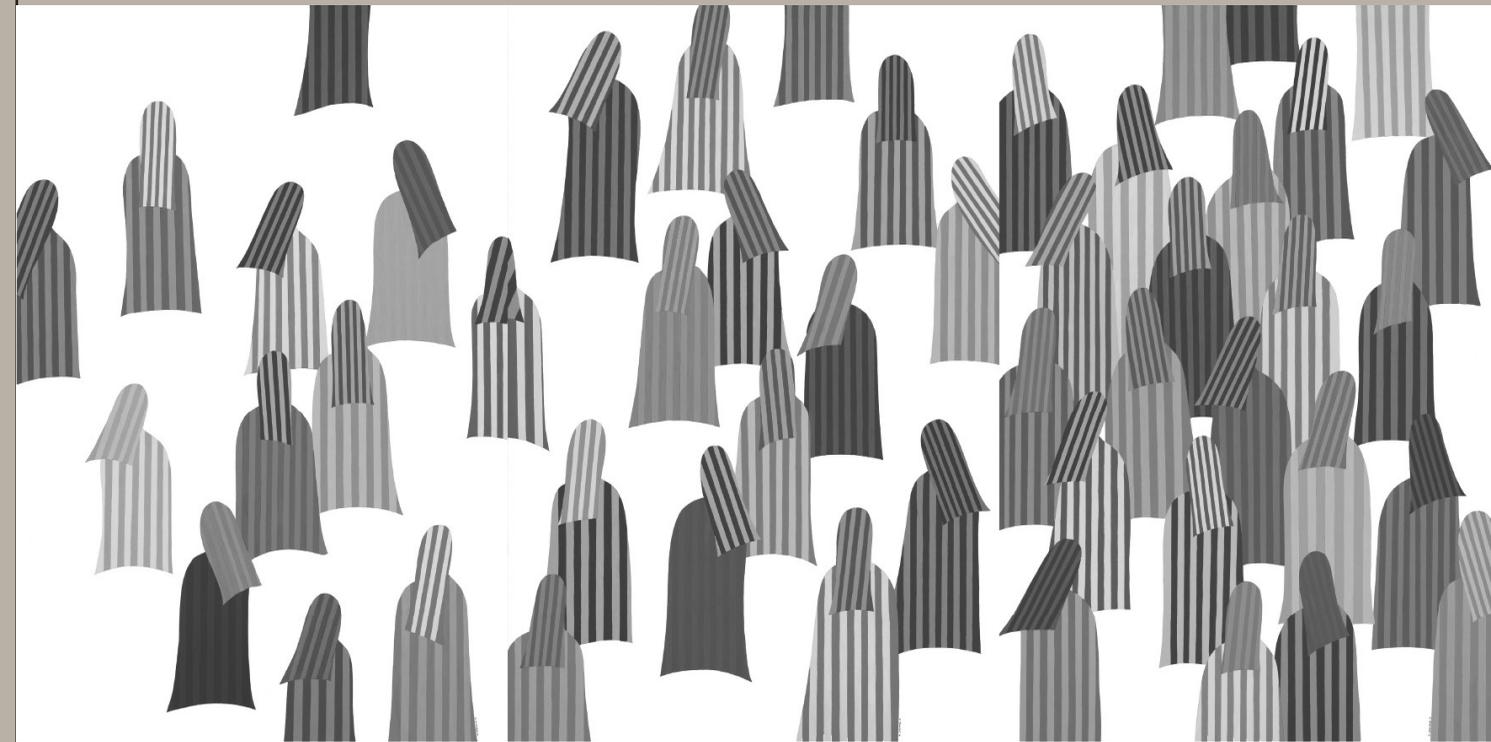


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The Institute for Women's Studies in the Arab World  
Lebanese American University | Issue 145-146-147 | Spring/Summer/Fall 2014

## Conference Proceedings: Part 2

### Arab Countries in Transition: Gender Rights and Constitutional Reforms



Arab Countries in Transition:  
Gender Rights and Constitutional Reforms - Part 1

Issue 145-146-147 | Spring/Summer/Fall 2014

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## al-raida

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## The Institute for Women's Studies in the Arab World at the Lebanese American University

The Lebanese American University founded the Institute for Women's Studies in the Arab World (IWSAW) in 1973. The history of the Institute is closely linked to that of the first women's college in the Middle East, the American Junior College for Women, which was established in 1924 by the Presbyterian Mission. The College, which educated Middle Eastern women for half a century, became co-ed in 1973. In order to honor the college's unique heritage as the first educational institution for women in the region, the Institute for Women's Studies in the Arab World was established that same year.

### Mission

- Engage in academic research on women in the Arab world.
- Develop and integrate women's studies in the Lebanese American University curriculum.
- Empower women in the Arab world through development programs and education.
- Serve as a catalyst for policy changes regarding the rights of women in the Arab world.
- Facilitate networking and communication among individuals, groups, and institutions concerned with women in the Arab world.
- Extend ties with international organizations and universities working on gender issues.

## Al-Raida Journal

*Al-raida* first appeared in May 1976, 3 years after the founding of the first institute for women's studies in the Arab world (i.e. IWSAW). It started off as a thin newsletter consisting of a dozen stenciled pages, with the modest and limited purpose of reporting on the activities of IWSAW. With time, however, *al-raida* grew in size and scope, a development that was also gradually reflected in its appearance. Whereas initially it consisted mostly of profiles of women, conference reports, and summaries of studies, by the mid 1980s an important addition was made, i.e. research-based articles, thus making a qualitative and quantitative leap in terms of content and mandate. By 1994, *al-raida* reached a new level of maturity with the introduction of a specialized section or "file" which focuses on cutting edge themes and often controversial issues related to women in the Arab world. In 2002, and in line with the technological advances that swept the publishing world in the last decade, the Institute made *al-raida* available online in both English and Arabic, thus allowing researchers and activists worldwide to have easy and instantaneous access to it. In 2007, *al-raida* was revamped in both appearance and content. It became smaller in size and new sections were introduced, namely the "young scholars" section and an original "book reviews" section.

More than three decades after its first appearance, in 2013, *al-raida* was turned into a bi-annual interdisciplinary peer-reviewed academic journal that contains scholarly articles of international standards as well as non-academic articles. *Al-raida* will thus continue to invite submissions that enrich the debate on women in the Arab world, whether in the form of interviews, opinion pieces, testimonials, short stories, poems, or essays.

## Submission Guideliens

All submitted academic articles are reviewed by two blind reviewers. IWSAW reserves the right to accept or reject the articles submitted. Those articles that are accepted will be edited according to journal standards.

For more details about our submission guidelines kindly visit our website at: <http://iwsaw.lau.edu.lb>

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Arab Women in Latin America

**ISSUE 135/136/137** 2011-2012  
Transforming the World of Work for Gender Equality in the Arab Region

**ISSUE 138-139-140** 2012-2013

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Hard copies of recent and back issues of Al-Raida are available in English at the Institute. Online copies of issues, 2001 onwards, are available online in English and Arabic (free of charge).

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# Arab Countries in Transition:

## Gender Rights and Constitutional Reforms

**Samira Aghacy**

*Al-Raida* is pleased to launch a special thematic issue in two parts that grew out of the international conference titled “Arab Countries in Transition: Gender Rights and Constitutional Reforms” organized in 2014 by the Institute for Women’s Studies in the Arab World at the Lebanese American University in partnership with the Women and Memory Forum-Egypt, Konrad Adenauer Stiftung, Rule of Law Program MENA Region, and the Danish Centre for Research and Information on Gender, Equality, and Diversity (KVINFO).

This second issue of *Al-Raida* consists of papers that were presented at the international conference “Arab Countries in Transition: Gender Rights and Constitutional Reforms” held by the Institute for Women’s Studies in the Arab World (IWSAW) at the Lebanese American University (LAU) in June 2014 and centering on human rights, women’s bodies, power relations, violations and testimonials. Despite women’s active and indispensable role in the Arab uprisings and their role in overthrowing authoritarian regimes, women have been marginalized, disempowered, and sexually abused and harassed in the public sphere. Given this unstable moment of transition, participants discussed these violations and made recommendations as to how to transition into women-friendly societies that have gender justice written into their constitutions.

The first three articles focus on Tunisian women’s bodies, their attempts to advance their rights in the freedom afforded by the revolution, and on subversive acts performed by women to challenge patriarchal control. The challenging article by Awatef Ketiti titled “Body, Gender, and Power Problematics Manifested in Arab Revolutions” centers on the pivotal role of sex, gender, and the state in the formation of concepts of authority and how these notions are addressed in the public and private spheres. She observes that the revolutions that have taken place across the Arab world have revealed that the female body, which is considered a public affair, is the site for struggle for power across religious and political institutions. Ketiti delves into archaeologies of power to understand the structural components of political power which are intimately linked with male tyranny in familial and tribal structures. She

proceeds to deconstruct notions of body, gender, and power in order to understand the structural and formal components that lead to the continued gender violence that took place within the optimistic surge of political uprisings against the state. Abdelhamid Rhaïem's paper explores women's rights in Tunisia in the aftermath of the revolution and underscores the challenges women still have to confront to advance their fundamental rights in the midst of social and political turbulence. Agatha Palma's paper titled "Of Laws Tattooed in Flesh: Gendered Self-Expression through 'Tounsi' in Post- Revolutionary Tunisia" emphasizes the subversive use by women of 'Tounsi' (the Tunisian dialect), the language of the street as opposed to French or formal and Quranic Arabic. Palma explains why women purposely choose to use a rough, masculine language, saturated with curse words in the public sphere. She maintains that while this dialect is generally associated with vulgarity and crudeness and is often viewed as inappropriate, particularly to women, it is the mother tongue, that of affect, and emotions. It is a significant language of resistance against authority whether Quranic or French, where women have the chance to reclaim public space, challenge language use, and destabilize the boundaries between what is considered feminine and what is viewed as the exclusive prerogative of men.

The succeeding articles center on the various modes of violence practiced against women during and after the Egyptian uprising, with presentations by young women activists who have worked on the ground and their recommendations for resistance. Mozn Hassan shared a moving YouTube video of a gang rape in Tahrir Square, posted by OpAntiSH (Operation Anti Sexual Harassment) and asks whether there is, or even can be, a public space for women. Her talk centered on the sexual violence committed against women in the public sphere, where they were cordoned, molested, and raped by gangs of preying men eager for a piece of the pie. Amal Elmohandes's article titled "Survivors, Not Victims! The Problem of Rehabilitation of Sexually assaulted Women"



Suad Joseph delivering her keynote speech



Speakers and participants at the conference

focuses on language use and insists that women who have been raped or sexually harassed should be referred to as ‘survivors’, not ‘victims’ in need of protection. The latter implies that they are passive entities in a patriarchal society, and are stigmatized as lacking agency. Oftentimes these women are blamed and slandered for the violation perpetrated against them, and their bodies become a social burden linked to honor and virginity as indicators of their value within society.

The theme of violence and exploitation is further reinforced in presentations on Syria, Iraq, and Lebanon. Saada Allaw’s work presents a testimony by “Abu Ghassan” who works on the ground to guide Syrian women refugees in Lebanon and help them cope with a dire state of penury and need. Through this testimony she exposes the exploitation they are subjected to by fellow Arabs, basically for sexual favors. Fahima Rzajj’s article titled “Gender-Based Violence: Ambitious Laws Versus Bitter Reality The Case of Iraq” emphasizes the incongruity between legislative ambition and the implementation of these laws in a country torn by wars and violence, causing families to bar women from the public spaces and deprive them of their rights to education, health, social welfare, and freedoms in general. Marie-Rose Zalzal’s “Protection of Women from Domestic Violence under ‘The Bill for the Protection of Women and Family Members Against Domestic Violence’” maintains that the effort to promulgate a special law to protect women from domestic violence in Lebanon began in 2007 and was finally passed in 2014 and renamed “The Bill for the Protection of Women and Family Members Against Domestic Violence”. However, the addition of family members disrupted a comprehensive condemnation of violence against women and created unfortunate intersections with other laws. Zalzal presents the new concepts developed by law, the protective measures and amendments introduced, as well as blemishes in the law which reveal lack of political will to explicitly condemn violence against women.

The last part of this issue records the various exchanges that took place around a roundtable focused on “Gender Research in Iraq: Facts and Expectations”. This was a follow-up to a two-year project titled “Gender Training for Iraqi Academics and Researchers” that IWSAW undertook, in collaboration with Open Society Institute, to build the capacity of Iraqi academics and researchers in women and gender studies, improve the quality of higher education in contemporary Iraq, and increase capacity relevant to civil society linked to women’s rights and gender equality. IWSAW invited five Iraqi participants who benefited from the project to attend the conference “Arab Countries in Transition: Gender Rights and Constitutional Reforms” as well as the roundtable. The purpose was to enable them to gain exposure to recent regional and international research, and to academic papers covering several topics related to women and gender issues, and to allow them to network with the conference participants and to exchange views. The Iraqi researchers benefited from this great opportunity and learning experience where they discussed the problems that they face as academicians and researchers in Iraq, learned how to seek funding opportunities for research related to women and gender within the Iraqi context, and were updated on the latest findings and material related to gender studies.

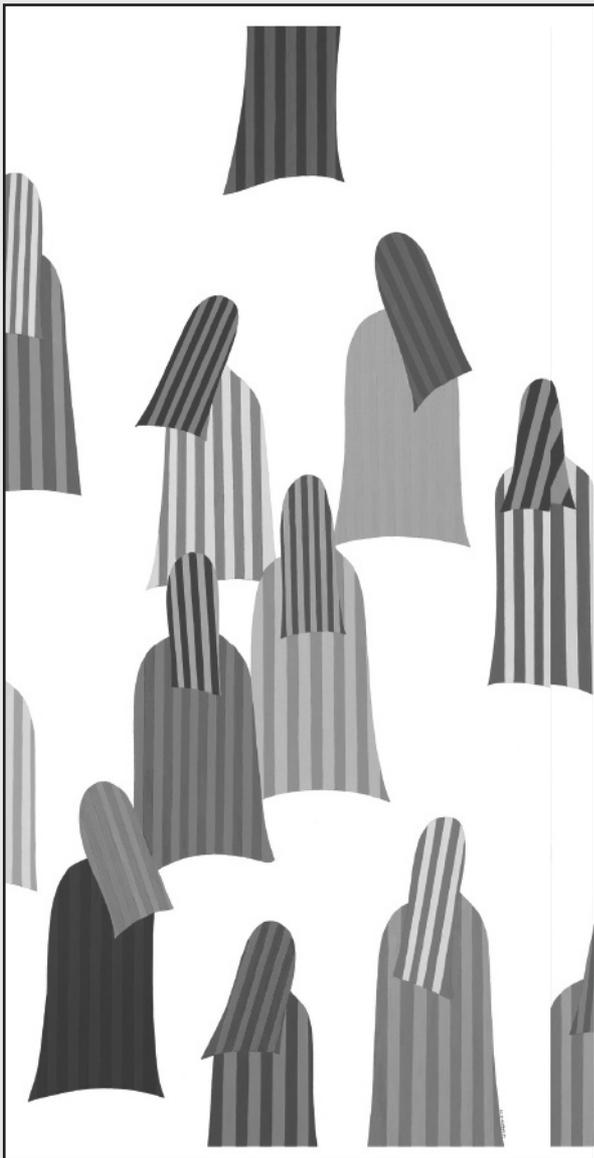
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Group photo



# Conference Proceedings

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Roundtable: Gender Research in Iraq: Facts and Expectations

# Body, Gender, and Power Problematics Manifested in Arab Revolutions

**Awatef Ketiti**

Over the course of Arab revolutions, many individual and collective phenomena and behaviours emerged, proving the importance of sex and gender in the concretization of the concepts of authority, and the methods of addressing them in both the public and the private spaces. Among such occurrences are the exacerbation of physical and symbolic violence against women, the frequency of violence, rape, trafficking, and child marriages, all of which have increased to the beat of religious *fatwas* and new laws that oppose women's citizenship and humanity. The rise to power of Islamic movements has nurtured and further fuelled these phenomena, unveiling the extent to which these currents rely on gender and women as a cornerstone for their discourse. Political Islam, in all its currents, constituted an extremist expression of phenomena and behaviours disseminated throughout Arab societies, prior to the revolutions. These phenomena are ingrained in the inherited cultural frameworks, and have for many decades contained the violence resulting from the inherent ideological and sentimental contradictions both in the unconscious and in social representations.

Accordingly, one could say that the Arab uprisings represent a watershed in history, setting the stage for the explosion and unveiling of the intentions behind the preponderant political, ideological, and religious discourses, by granting, for the first time in modern history, considerable space for freedom of opinions and practices within the public space. Away from geo-strategic and political interpretations of Arab revolutions, one can consider these uprisings as a critical historic turning point that unveiled what was silenced in Arab culture. Freedom of expression, enabled by the revolutions, has granted Arab societies the opportunity to come face to face with decadent cultural values. The speeches, stands, and actions caused social tremors shocking the general consciousness. The revolutions were mirrors reflecting the true image that these societies were unaware of. They changed the ways in which societies recognized themselves, and defined themselves in social representations and academic discourses. For Giles Deleuze (1991) the "event", from a philosophical point of view, consists of all the facts that change history's patterns by causing a shock to the recipients, violently shaking their feelings and pushing them towards action and change. Similarly, Michel Foucault (1972) stresses the importance of approaching history by studying the changes carried out by societies through events that contribute to changes in the patterns of social knowledge.

One of the paradoxes brought about by the uprisings is the acute schizophrenia generated by fundamental human notions and principles that are categorized in accordance with binary notions of masculinity as opposed to femininity. It became clear that the freedom, dignity, democracy, social justice, and citizenship that the people called for were dealt with as fragmented concepts monopolized by males, as shown by a number of political and religious speeches and practices. The exclusion and violence that women were subjected to in public places, streets, parliaments, and laws during the revolutions and the subsequent transitional period brought about a deep-rooted belief that the revolution, as a political act, must be carried out by men to dismantle and appropriate power from other men.

In social representations, women are not concerned with these principles, because they are still considered a separate social category with lower status to be kept under the authority of men. This cultural vision that was bolstered by jurisprudence (*al-Fiqh*), and theoretically consecrated by contemporary Arab theories of knowledge since the beginning of the twentieth century, through an array of publications, still constitute the framework of the dominant Arab mindset.<sup>1</sup> The writer Nabawiya Moussa (1920) maintained that “men have written much about the differences between men and women, to the point of portraying them as belonging to different species” (p. 32). This fundamental deficiency in the system of values constitutes a major focus of this research, which tackles the dilemma of intellectual and cultural obstacles that impede the Arab mindset’s comprehension and consecration of the principles of freedom and equality in their full dimensions. It also deals with the problematic of limiting the entire system of values and morals to the feminine body, and its role in obstructing Arab intellectual advancement and mental emancipation. This study aims at analyzing the real and symbolic mechanisms used to appropriate the feminine body and transform it into a public affair to legitimize and normalize tyranny, by targeting certain common phenomena that emerged in the Arab revolutions. The analysis is based on dismantling the concepts of body, gender, and power, and underlining the basic relation between them, by considering them as the basis on which the prevailing intellectual patterns, social representations, and behavioral orientations depended.

### **The Crisis of Power Representation and Re-Production of Tyranny**

Very few studies in the Arab world have investigated “the archeology of power” through analysis of the structural relation between the axes of power represented by society’s institutions and its intrinsic relations with the political variables in light of Michel Foucault and Pierre Bourdieu’s ideas on power and society. Historically, save for some important publications by Nawal El-Saadawi, that studied analytically the relation between power, gender, and women’s bodies, the work of Hisham Sharabi (1988) on the social and political patriarchal system, and the work of Mohammed Abed Al-Jabri (2001) on the Arab mindset, the question of power in its global social dimension has not been treated in depth, the way it has been in its political dimension. As a result of this theoretical dearth, there is little understanding of the course of power building as a cultural concept, and as a horizontal and vertical phenomenon that branches out into all institutions, be they familial, educational, religious, political, or gendered.

This dearth of knowledge resulted in the absence of any interaction between the Arab mindset and contemporary concepts. It also resulted in hindering the positing of this

issue as a psychological and cultural dilemma, especially after the re-emergence of the notion of a schizophrenic Arab personality – the contradictory principles held by individuals, on the one hand, and the gap between these principles and practices, on the other. The Arab revolutions were a shocking historical trial shaking the cultural values that organize social relations and feed stereotypes on the nature of power relations among social strata, genders, and representations of the values of modernity. Four years after the Arab movements, and following the transitional period that resulted in the emergence of legislative and authoritarian regimes – most of which do not reflect the people’s aspirations for liberation and democracy – the question arises: Were the people aware of the real implications of democracy, freedom, and social justice they called for when they rose against dictatorships?

It may seem that making final judgments on the consequences of the revolution can be considered a form of intellectual arbitrariness, given its short duration, and the still-incomplete features of the social project in most countries that witnessed revolutions. Guy Rocher (1968) maintains that

a revolution is a historic event, with a target that goes beyond the period of the first sparks; the changes it generates appear in the long term, often in a manner that is unfamiliar and more profound than we can imagine. (p. 257)

However, we can consider some social behaviors that have emerged during these revolutions as important indicators that help us understand the extent to which peoples understand the concept of tyranny, and the principles of freedom, at a first stage, followed by their commitment to and implementation of these principles as a second stage. Recognizing the organic relation between tyranny and freedom in their absolute human perceptions is the main gateway to awareness of the principles of gender equality, and of all aspects of discrimination and exclusion disseminated across social strata in all domains.

Political tyranny is no more than a reflection of social tyranny, and gender-based discrimination is the thin line that links male tyranny in familial and tribal structures, to authoritarian ruling patterns on the political level. Feminist researchers, at the start of the emerging feminist movement in the eighteenth century in France and Britain, made lengthy elaborations on the thin line between male authoritarianism within a family framework, and the tyranny of the then-reigning monarchy, in an attempt to uncover the relations between gender discrimination and its outreach in both the private and the public spheres. British feminist writer Mary Wollstonecraft’s elaborate study titled *Vindication of the Rights of Women* (1792) examined common denominators between the absolute tyranny of men over women, and the absolute tyranny of a ruler over his subjects. Linking these two matters to the feminist discourse during the French revolution allowed for criticism and the dismantlement of androcentrism, and concepts of power and tyranny which characterized revolutionary principles. Women activists protested against the “Declaration of the Rights of Man and Citizen”, which stemmed from the French Revolution, because it included men alone, not the entire society. Olympe de Gouges (1748-1793) is considered to be the first martyr of the feminist struggle; she was assassinated after confronting the symbols, philosophers, and thinkers of the revolution, and showing them the contradictions

within their ideas and principles that stood against the tyranny of a ruler over its subjects, but retained the tyranny of men over women. For example, Jean Jacques Rousseau, one of the most prominent figures of the Revolution, wrote in the first volume of his book on the science of education in 1759:

Thus the whole education of women ought to be relative to men. To please them, to be useful to them, to make themselves loved and honored by them, to educate them when young, to care for them when grown, to council them, to console them, and to make life agreeable and sweet to them – these are the duties of women at all times, and should be taught them from their infancy. (1997)

The history of the feminist struggle in the West is a progressive corrective path for the principles of the enlightenment, from its emergence until the end of the twentieth century; it was able to incorporate all-embracing general principles such as freedom, citizenship, justice, and gender equality into laws and constitutions, and to incorporate them into the educational programs in order to generate profound change in intellectual, cultural, and behavioural structures.

A comparison between the feminist struggle in the West, and the struggle of Arab women reveals that western feminism allowed for the possibility of advancing women's causes in the Arab world during the renaissance and the colonial periods. The cultural friction between Western and Arab elites, coupled with the struggles of Arab women, allowed for the addition of certain basic women's rights (education, voting, health, and work) to the constitutions of most post-independence Arab countries. However, the principles of modernism, such as equality, freedom, democracy, and social justice, advocated by *al-nahda* pioneers in the context of the intellectual reform movement were quelled both ideologically and politically, and were stripped of their philosophical and cultural meanings after being linked with dictatorial discourses, which used them as hollow slogans to embellish the image of their regimes.

In the absence of any renewal of the cultural values, following the demise of the intellectual renaissance, the concepts generated by modernism remained ambiguous in Arab culture. Post-independence regimes did not take on the task of upholding the modernizing project, and did not adopt pedagogical policies that would explain contemporary concepts and equip new generations with the ability to revise their indigenous concepts to be able to engage in the production of knowledge.

Briefly, one can say that Arab regimes did not prepare their peoples for concerted political action, for the rotation of power, and for the comprehension of the principles of justice, freedom, and respect of the rights of others. Quite the contrary, they strove to mould minds that live in the past, and remain closed off within a fatalistic and fundamental vision of religion, identity, and social and familial relations.

This did not lead to the dismantlement of the mechanisms that produce tyranny in representations, thoughts, and practices in Arab societies in the twentieth century, a period of great transformations. The patriarchal and unilateral structures of power within families, tribes, and the state constantly bequeathed signs of tyranny, class and gender-based discrimination, and absence of justice in all these circles. Accordingly,

each circle acquires its powers and legitimacy from other circles which support and nourish these powers through legislative systems as well as educational and religious media programs. Therefore, the ordinary Arab individual was unable to grasp the contemporary concepts because he/she lacks the tools to understand and analyze them. We have witnessed how rapidly the concepts of “secularism” and “laicism” fell victim to this cognitive insufficiency after the Arab revolutions. Religious movements preyed upon this inadequacy to carry out media campaigns that presented secularism and blasphemy (*kufir*) as interchangeable, in their efforts to repel currents advocating the separation between religion and politics; this was the case of the Islamic *al-nahda* movement in Tunisia, for example. The fact that large social strata were affected by this campaign proves the fragility of the political and intellectual culture, the Arab mind having lost its cognitive and inventive capacities, copying others and accepting uncritically the interpretations of religious texts by religious scholars. The contradictory and feeble dealings by Arab societies with the demands of the revolutions reflect their affective and impulsive relation with social phenomena, and their inability to find solutions to overcome them. The Arab individual suffers from and is enraged by tyranny in all aspects of life, but he/she practices it in his/her daily life, in the environment and family, and soon reproduces and selects it as a ruling model. The representation of power is still limited to the image of the savior-tyrant leader, which in the words of Hisham Sharabi (1988) corresponds to the authoritarian protective father figure.

### Woman’s Body and Public Affairs

Revolutions were an opportunity to bring into view the gender crisis in Arab culture, the neurotic representation of women’s bodies, and the gender-based division of social spaces. There have been attempts to exclude women and restrict them in the public space by making them the targets of physical violence, harassment, rape, threats, and symbolic violence through humiliation, verbal abuse, and marginalization; these are all symptoms of numerous, complex, and branched-out crises that reflect a deep flaw in the value systems related to the representation of women, and gender relations.

This imbalance stems from several factors, such as loading women’s bodies, in the cultural and religious discourses, with sexual connotations to the point of obsession. This led to the transformation of women into a “chronic sexual phenomenon”, in the words of researcher Fatima Mernissi (1987, p. 67). In addition to sexual symbols, the bodies of women became laden with enforced concepts of identity, morality, religion, and honor, serving as the backbone of the social structure, the container of political social discourse, and anchor of authority and decision-making. In Arab societies, women’s bodies are subject to all forms of control, through upbringing, customs, and laws. Their behavior is shaped to correspond to the societal feminine stereotype that exists to serve, protect, and help reproduce the patriarchal community. This is what implicates the female body in the political field, because it is subjected to relations of power that affect, subjugate, and use it. A body is not viable for use unless it is fertile and yielding at the same time, as Foucault puts it. This submission is achieved, on the one hand, through violence – as was the case in the Arab revolutions – to force women to return to the private sphere, in order to once again carry out the traditional tasks assigned to them. At the same time, submission is achieved through tacit nonviolent or invisible practices that affect women’s bodies in the way that

Foucault refers to as “the political technology of the body”. Foucault’s approach may help us shed light on varied phenomena, if we adopt what he calls the “microphysics of power”, in order to understand how gender-based discrimination is entrenched in all social categories, women included. The “microphysics of power” does not refer to the prevalent definition of power, the power held by social groups or a certain class; rather, it refers to the existence of strategies and tools that are directly linked with a cohesive and effective network of power.

From this perspective, power is not held – it is practiced, and this is what puts it within the reach of all strata of society. It is the result of the strategic positioning of the dominant class in all fields and spaces, rallying marginalized social strata to engage in the same discourse. This is how we can explain, for example, the electoral behavior of large social categories, which re-produced tyranny after helping tyrannical religious movements to come to power in Arab countries, during the first stage of the revolution, and did likewise to the military class in the transitional periods. This analysis can also direct us towards the behaviors exhibited by large groups of women, who took to the streets to call for constitutions that go against their rights, or to demand the cancellation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), as was the case with the protest organized by the women of the Islamist Movement in Tunisia, in 2013. This brand of control generates behavior which is not forcibly imposed on the group that does not “hold” any power; however, it penetrates, induces, and turns the group into an active force serving the interests of the class in power. In this context, one understands the statements made by Rashed Ghanoushi, the head of the Islamist Movement in Tunisia, during the peak of its conflict with civil forces, when he said: “We will not impose Islamic law (*shari’a*) by force, but we will make people ask for it”. These statements reflect the intention of the movement to infiltrate society by using influence as a basic strategy, disseminating it across all categories, especially the marginalized groups, to use it for the benefit of their project. We all witnessed how, in Tunisia, a simple vegetable seller in a marginalized neighborhood was transformed into a propagandist, and head of a religious association, along with other delinquent youths who were transformed into leaders and organizers of Islamist demonstrations.

This control directly targeted the receptacle of gender relations, represented by the body, whereby gender polarization was used to direct sexual connotations of the body, and by impacting the symbolic power relations that it encompasses. Tunisia’s 1956 Code of Personal Status, and the granting of several rights to women, was catastrophic for a patriarchal structure that had a deep impact on the collective cultural imagination, resulting in a sort of “symbolic castration” of virility in its Freudian sense among traditional men. Indeed, the elimination of men’s power over women through laws that prohibited arbitrary divorce granted women the legal capacity to enter into a marriage contract, prohibited polygamy and other related laws, shook the very foundations of conservative religious views, and caused a deep schism between both genders in Tunisia, being the only exception of the kind in its Arab environment, only deepening the conservatives’ feeling of injustice. This explains the call made by Islamists, once they reached power, to abrogate these laws, and “bring Tunisia back to the Islamic ranks”, or so they put it. Women are the scapegoat in this comeback; bringing them back to the Islamic fold of obedience is considered a form of penance

for Tunisia's cultural "disobedience", always linked with the image of women. Islamists have consistently insisted on the right to polygamy and the need to ban abortion, and to wear the veil (*hijab*). Simultaneously, such calls were accompanied by a parallel advertising campaign to revive the "lost" masculinity, as it has been described by conservatives since the tenure of the first President, Habib Bourguiba. This was carried out by flooding markets with Viagra, and masculine sexual energy boosters. These rites to "regain" masculinity and patriarchy, in order to compensate for the feeling of symbolic castration, were accompanied by a counter-campaign to denigrate, weaken, and accuse women of taking over men's positions and repudiating their natural functions.

The reconsideration of all rights granted to women over the course of the twentieth century was seriously considered, after they had become undisputed facts, and was the major topic of political debate in many Arab countries after the rise of Islamic currents. This matter revealed the close relation between the patriarchal project of these movements, and the status of women, or rather, the complete focus on women by these movements in order to realize their social project. The events of the revolutions and political debates have shown the infiltration of this mentality, not only into the religious currents; but also into a number of liberal groups, civil associations and syndicates that had never granted this matter any importance, revealing a strong complicity with patriarchal mentality.

Numerous historic events in other countries have proven the complicity of numerous progressive powers and conservative currents when it comes to women's rights. Such was the case with the French Revolution, and the American Revolution, along with other national liberation movements in countries such as Algeria. In these cases, promises of recognizing women's full rights were not fulfilled after liberation.

This situation only served to fuel the momentum of the feminist struggle, and intensify it in Tunisia, Egypt, Yemen, and other countries, when women found themselves alone in the face of the Islamist currents and all the changes that threatened their rights. This reality also poses the problematic of the lack of faith in issues of equality that penetrated all ideologies, social categories, and the most effective political powers. This is a striking cultural dilemma represented by hardened intellectual residues and psychological obstacles that obstruct any attempts for social change. This dilemma was diagnosed by some thinkers as a crisis of one's relation with time; Fatima Mernissi (2010) considers it a problem of cultural and epistemological break with the present, when people turn towards the historical imagination in search of the warmth of past glories, and an escape from a present riddled with defeats. Latifa Akhdar, describes it as a phenomenon that consecrates the "return to origins" (2001), which still dominates Arab culture, and feminine identity is still pulled towards, and even subjugated to this turn to the past. It's as if societies are chained by their own traditions, and feel an urgent and constant need to maintain the status quo when it comes to women, and reproduce the same feminine pattern as a protective shield against a frightening modernity which has generated a culture of critical thinking, and self-criticism. Latifa Akhdar maintains that the "discourse on women emanates from the space of the sacred, or any space that disregards historical laws, and constructs timeless identities subject to routine and repetitiveness" (p. 176). From the very early eras of Islam,

women's cultural and social identity has been linked to their jurisprudential identity in Islamic law, granting them an unchangeable status. For this reason, the issue of women has become primarily political, well-known to conservatives and Islamists for its link to identity, tradition, the economic law, and the familial and tribal systems. This takes us back to the concept of Foucault's "microphysics of power", a power that is not possessed, but rather implemented by all social groups.

### Gender and Gender Mechanisms

Researchers have studied the history of persecution of Arab women, considered by Latifa Akhdar as the most dangerous type of persecution, because it is enveloped in knowledge, science, and truth, taking advantage of the power invested in these concepts. There is no doubt that the relation between men and women, and the situation of women, is one of the matters most dealt with from the perspective of Arab culture. Latifa Akhdar maintains that the notion of "Muslim women" was constructed as a cohesive and tightly-bound concept directly linked to inherited religious knowledge, crystallized within the dominant male vision. This dominance does not stem from a natural sacred system, as much as it emanates from the conception of what is holy, through doctrinal and scholarly interpretations. Depriving women of their rights and exploiting them are not considered forms of persecution in the prevailing culture; they fall under the natural laws of life. The doctrinal juristic legacy based on interpretations of religious texts that spring from a godly willpower affirm the inimitable dimensions of gender differences which spring from a divine will. This takes us back to Althusser's view (1970) on the role of gender as an ideology, which was borrowed by Theresa de Lauretis to expound the gender system as a strategy to legitimize gender-based discrimination (1989).

This presumption hampers the possibility of integrating the concept of tyranny and authoritarianism in their all-inclusive aspects, and presenting them socially within the framework of relations between men and women. This has led to attempts to exclude women in revolutions, as they were not considered to be involved in issues of freedom, justice, and dignity. It also explains the violent rebuttal feminism has faced, as a struggling movement, and a theoretical critical framework in contemporary Arab history, not only because it has always been considered as one of the tools of the Western cultural invasion, but also because it shakes up the foundations of knowledge and widespread conceptions based on given doctrinal facts about the relation between genders. This fierce war waged against feminism has not subsided since its first emergence in the nineteenth century. Its flames were stoked up once again after the Arab revolutions, i.e. over one century later, without any change in the intellectual basis, concepts, and counter-arguments to feminism, despite the changes that have occurred in societies and in knowledge. This reflects the barrenness of a traditional culture that is incapable of revising its legacies and theories to keep up with local and international changes. This tunnel vision has exerted strong control over all loopholes of change, especially in the last decades, with the emergence of the authority of the clerics. These sheikhs took advantage of media channels and modern communication technologies to fill the cognitive and cultural gap within many segments of Arab societies, and broadcast a radical religious discourse that mainly focuses on women. They did that by issuing *fatwas* that were utterly degrading to women and the human self in general, such as sanctioning the suckling of young adults; having sex with the

dead body of one's wife; marrying child brides; authorizing provisions that placed women on par with the devil; introducing rules for beating women; viewing a woman's face as a blemish (*'awrah*); and other disparaging and misogynist accounts.

Over the past decades, the Arab world began to produce, broadcast, and consume a culture of hatred towards women, around the clock, through private and public religious channels, with spaces that allow sheikhs to spread their ideas and interpretations. The concept of knowledge has been monopolized by sheikhs who promoted themselves as scholars and therefore called into question the sciences, or adopted scientific discoveries and interpreted them the way they saw fit for their own readings. By doing so, they blocked any scientific reading of religion outside the doctrinal clerical context. The clerics now represent the only ethical and cognitive reference for millions of people. This bolsters a culture of dependence and indoctrination, and dangerously isolates Arab peoples from science and human knowledge. The wave of religious extremism invaded many social categories, in various Arab countries and their diasporas in western countries, with the collaboration of the broadcast media aimed at women in the first place. The social pattern adopted in some oil boom countries, more specifically the wahabi current, has been marketed as a model, in its vision of social relations, the image of woman, and clothing traditions such as the *burka* and the *niqab*. This also falls within the dynamics of globalization, which is not only limited to spreading the Western cultural and economic model on an international level, but also within the specific regional Islamic pattern, made possible by the economic and financial dominance of some oil boom countries, and their control over the most important media networks. Arab countries where revolutions took place also witnessed the invasion of the markets with books and publications that promoted their doctrinal religious vision, and became part and parcel of the economic and media competition within these countries. Analogous with attempts made to hide women's bodies through the *hijab* and the *niqab*, there was a proliferation of discourses around women's bodies in the media, and discourses by clerics and *fatwas* on all platforms. Woman has become a topic of public debate, and a political and social issue without being considered an independent political entity. This conception of women requires the taming of the feminine body as a receptacle for male control through three features: the body as a sexual receptacle, the body as a receptacle for morals, and the body as a force of work and production in the service of the family. This domestication of the body, in Foucault's opinion, happens through producing knowledge that feeds these representations and draws arguments for its subjugation, as well as through a series of efficient mechanisms referred to as the "technology of the body". These mechanisms are represented in all discourses produced by social institutions that affect the ontological conception of the body and its functions, and subjugate it to the dominant social power. Foucault maintains that "these mechanisms are represented within a specific type of control, imposed directly in daily life (...), a type of authority that turns the individual into a subjugated being through monitoring and dependency, an entity holding on consciously to its subservient identity" (1994, p. 46). Theresa de Lauretis's additions to Foucault's theory on the "technology of the body", had a strong impact on the understanding of the uses of the feminine body, in what she calls the "technology of gender" (1989, pp. 1-30). She shows after having criticized Foucault for failing to notice the gender dimension in his analysis of the body that the mechanisms for subjugating women's bodies are vastly different than, and exceed those used with

men. Women's bodies are subjected to a precise and comprehensive taming process from birth, so as to meet the expectations of the male community. Women's bodies and genitals are considered both sacred and "taboo" as put by Pierre Bourdieu (1994, p. 2). Women are subject to strict rules and tight regulations that determine what is lawful and unlawful. Even more attention-worthy in the gender dimension of Arab revolutions is the emergence of two important pieces of data that can be analysed in the spirit of Theresa de Lauretis' (1989, p. 6) "technologies of gender" and "gender semiotics". The first datum consists of the activation of the mechanisms of repression and surveillance of women, by allowing all institutional discourses (cultural, media, religious, and political) to participate in returning radical and recalcitrant women to the matrimonial home through all psychological and symbolic pressures available. These are multiple-discourses that promote the predominant patriarchal ideology, consolidate it in social representations, and safeguard it from any insurgence or violation

We have witnessed the mobilization of social institutions against women, especially following the rise to power of Islamists. In fact, such institutions, such as education, justice, places of worship, and the media, were appropriated and began broadcasting a culture of women's exclusion. In terms of gender as a semiotic system, it is concretized through visual and indirect communication symbols, that consecrate the separation between both sexes, and specifically reveals that aspect of feminine "identity" that is organically linked to the cultural and religious. The reactivation of the religious and political dimensions of the *hijab*, for example, and its purposeful definition as "a symbol of Muslim women" – an exclusionary linguistic term that distinguishes between women who wear the *hijab*, and those who don't, considering the latter to have forfeited their belongingness to Islam – falls within the activation of the semiotic gender system within the Islamist political project.

This concept, disseminated through Islamist propaganda, encompasses implicit coercive and deterrent mechanisms based on fostering guilt rooted in women's religious upbringing, and containing threats of social exclusion. It is to be opposed to a social model of women represented by women wearing the *hijab*, exchanging common referents and rituals, and earning the acceptance and support of conservative groups. The relation between groups of veiled and non-veiled women follows a game of persuasion and intimidation that is practiced in the context of tense relations among divergent social groups, as tackled by Serge Moscovici (1998) in the context of group social psychology. The contemporary *hijab* is a symbol of a new and renewed social system that reflects, on the one hand, a particular perception of women's functions and behavior, to be upheld by the veiled woman within the framework of the religious system. On the other hand, it represents an acknowledgment of the "danger" posed by woman's body, as a source of *fitna* and a major cause of "sexual chaos" and disequilibrium. The purpose of the *hijab* is to control male sexual energy; this sets the scene for a deterministic perspective of male sexual instinct, culturally known to be pre-eminent, all-encompassing, and insistent, in comparison to the culturally known fatalistic perspective of women's sexual desire, known to be lukewarm and not insistent. However, the instances of sexual violence and harassment that also targeted women wearing the *hijab* and the *niqab* during Arab revolutions shed light on the flimsiness of this deterrence argument; and uncover its ideological motives as a tool to subjugate women to patriarchal *fiqh* and order and a means to monitor women and

turn them into an integrated social group, homogenous in appearance and behavior, a group used to reproduce the male project and ensure its continuity by preserving its semiotic system, its outward form and clothing rituals.

The other aspects of gender as a semiotic system are concretized by the gender-based and ideological distribution of space. When Arab streets and squares became free of images, slogans, and symbols of the dictatorships that dominated public space, religious currents worked on gaining control over these spaces, by propagating their own slogans, discourses, and symbols. The *hijab* was one of these prominent symbols, used as a visual extension of the gaps that separate genders in public spaces. It constitutes a gender-based visible tool, tasked with stressing difference between men's hair, which appears clearly through the beard as a sign of masculinity, on the one hand, and the concealing of women's hair under a veil, on the other. This appearance-based classification paves the way for anchoring stable gender identities, and for the continuous separation of gendered functions in the public space. Gender-based segregation of public spaces is not only concretized through a gender distribution, but also through the body itself, which is transformed into a social and political space, or a "social body", to use the words of Foucault.

Delving deeper into the anthropological and social dimensions to reintroduce the *hijab* and the *niqab*, especially over the past three decades, takes us back to a cultural matter deeply entrenched in the religious legacy and which is related to the Islamic standpoint on the image and its ontological and social connotations through scholarly interpretations. One should not also forget the residues of such cautious positions towards the image in contemporary Arab culture, especially that we live in the age of the image par excellence, as confirmed by media and communication experts, such as Paul Virilio, Régis Debray, and Jean Baudrillard. This is attributable to the dominance of visual media, and the spread of images that have swept the scientific and social fields, which have become models of contemporary knowledge in the post-modern world, according to Mitchell (1992). The invasion of images has disturbed the restricted visual system of Islamic societies, mainly when it comes to the body, and its representations, functions, and relation to the organization of sexual relations and the traditions of concealment and disguise. This has also created confusion as to the separation of private and public spaces. In the age of the image, viewing, and exhibitionism, the concept of privacy has fallen to pieces to allow for a new phenomenon, coined by Umberto Eco as "exposed privacy" (2010). In this age, behavioral schizophrenia has become more deeply ingrained within Arab societies which are at the top of the list of the largest consumers of internet sexual images compared to their total population, despite being ranked among the most conservative cultures in the world. These are cultures in which one half seeks to cover and to hide the other half. The recent outreach of the *niqab*, especially in countries where it is neither a traditional nor a religious outfit, and the social debates that sparked around it, can be considered an indicator of the image crisis in Arab societies.

The *niqab* is an image that cancels out the image. It is a semiotic indicator that represents women in their absence, turning them into a sort of sexual "fetish", in the Freudian interpretation of the term. A fetish is an item of a woman's clothing, or a small part of her body, that is brought forth in the male imagination to compensate for

the woman; it is an expression of the desire to cancel her out, since her full presence threatens males with symbolic castration. Not only does the *niqab* play the role of completely blocking a woman out of sight, its black color is considered a symbol that challenges the culture of the globalized image and points to the religious Islamic roots that are free of image-representation, a dangerous tool that can mirror the sacred. Since woman's body is considered taboo, it is governed by this contemporary anti-image vision. Indeed, the attempts to hide the feminine body through ritual clothing reflect the failure of Arab culture to face contemporary variables with solutions based on innovative knowledge and behavior, away from rigidity and fanaticism.

As for the system of semiotic gender linguistics, the concept of "bareness", for instance, was used by conservative groups. It is a word laden with a violent moral charge – to describe women who do not cover their hair. Nowadays, a large number of clerics use, in religious and media platforms, that word in order to generate aversion towards the hair of unveiled women, in a clear call to reject and exclude them. This linguistic violence is part of the microphysical gender authority mechanisms referred to earlier.

### The Naked Body in the Face of Authority

The body of "Muslim women", not men, became laden with the responsibility of preserving identity, the continuity of the tribe, the moral system, and the concepts of chastity and honor. The revolutions, the lack of surveillance, and dictatorial authority led to the exacerbation of prejudice, physical and symbolic violence against women, the targeting of women's body for harassment and rape, and the complicity of the security and judiciary systems with the perpetrators of violence. The sexual and sexist explosion accompanied by campaigns to impose the *hijab* led to a counter-explosion, the emergence of the phenomenon of nude protests. Alia Mehdi, a young Egyptian woman, broke all social and religious taboos when she posted a picture of her completely naked body on her blog, along with a message that clearly called on Islamic societies to face their own moral contradictions, and put an end to systematic violence against women. Amina, a young Tunisian woman and activist within the FEMEN movement embraced this unique form of protest in the Arab world, and displayed topless photos of herself, with a message against the social moral values that she considered hypocritical. These actions caused a considerable social stir, followed by a debate between those for and against these methods of expressing one's rejection of the tyrannical system aimed at women. Remarkably, a large array of intellectuals, human rights activists, and feminists stood together against these protests, since they do not represent the best forms of activism, and merely resort to baring one's body for expression. Many female activists disavowed these practices, missing the opportunity for a widespread social debate around the Arab world on the issues they had put forth. The protests were limited to the cultural conception of nakedness, laden with moral overtones and taboos, without looking into the demand to free women's bodies from the cultural burdens and taboos that had shackled them. Naked protests were seen as attempts to draw attention to the blatant contradictions within Arab cultures, and to the abuse of women and their bodies which reached its peak during the Arab revolutions. The aim behind causing all this commotion was to point out that women's nakedness does not, in itself, constitute a moral problematic in Arab countries when women's naked bodies are harnessed to the service of patriarchy. Adult breastfeeding, child marriages, and intercrural sex, (*moufakhatha*) sanctioned by some sheikhs did not

move religious men to officially condemn these *fatwas* or issue a statement blaming those behind them. The public uproar about the practices of virginity tests conducted in Tahrir square, dragging and stripping girls naked in the streets, and gang-raping women in public spaces was flimsy compared to the depth of the shock that followed the naked protest pictures, which challenged the norms of society by way of the proscribed female body.

On another note, the nakedness of women in public spaces is not alien to the history of societies that enslaved women as late as the end of the nineteenth century and exposed their naked bodies in public markets for everyone to see. Islamic countries were also the last to abolish the slave trade. Therefore, the nakedness of women's bodies, when it is in the service of men's sexual and economic systems is not considered morally problematic, because it is channelled for a specific task. But the rise of women against these systems, by breaking taboos related to the body, is considered a gross violation of cultural norms.

### Towards Revisiting the Moral System

Arab elites have failed to build on these events, seize the opportunity to put these essential issues forward for debate, or analyze contradictions and paradoxes within the social system based on gender discrimination and the flaws in the moral system of Arab societies. Arab revolutions have uncovered a great disparity between the ways Arab societies reacted to the storming events of the past years where a great schism unfolded in the value system, and the dangerous slippage that moral concepts unraveled. This system was emptied of its spiritual and value-based dimensions, when political Islamists and their media supporters insisted on religious rituals, appearances, and doctrinal symbols as the main gateway to control society and the behavior of individuals. To attain power, became the primary justification for all sorts of practices that go against the most basic rules of morality, human rights, and dangerous practices carried out in the name of religion. This impoverishment of the moral system in the Islamic world led to reducing all moral values to the woman's body. We have witnessed how the Islamic world raged against two photographs of naked young women, and at the same time, did not rise against any *fatwa* calling for heinous practices on the bodies and identities of women and baby girls. Consequently, it would be very difficult for values such as social justice, equality, and freedom to become part of a schizophrenic and flawed value system. It will be even more difficult for these concepts to become anchored in the collective consciousness, so long as a large part of the elite and intellectuals use strategies to embellish the decaying cultural heritage, instead of bravely fighting the shackling taboos related to the body, gender, sex, and their relation to power. In this context, it is worth quoting Hisham Sharabi (1988) on the issue of change in Arab societies – a quote that deftly summarizes this dilemma: “There will be neither change nor liberation in Arab societies without eliminating the patriarch/father, both as a symbol and authority, and without woman's emancipation, in word and deed” (p. 67).

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## ENDNOTES

1. See *Women's Education and the Veil* by Talaat Harb (1900), *Mourning the Women of Al-Haddad* by Mohammed Saleh Bin Murad, and *The Sword of Justice Sees no Justice* by Omar al-Madani.
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# Tunisia in Transition:

## Women in Limbo

**Abdelhamid Rhaïem**

The state is committed to the protection of acquired rights for women and works to support and develop them. The state shall endeavor to achieve the principle of parity between men and women in elected councils. The state shall take measures to ensure the elimination of violence against women.

Article 45 of the Tunisian Constitution

### Introduction

Amidst a deteriorating security situation characterized by the assassination of two political leaders (in February and July 2013), the lethal attacks on the Tunisian army in the Chaanbi mountain range, and the ongoing clashes with the police, Tunisia is elbowing its way towards democratic transition. Compared to other Arab countries, Tunisia has made noticeable advances in what has come to be known as the “Arab Spring”; the political parties have agreed to shake hands and negotiate amidst a general sense that it was impossible for them to meet. Today civil society and trade unions are treated as important political partners that have a say on the political scene. Furthermore, the National Constituent Assembly (NCA) has, after a number of setbacks and over two years of disagreements and compromises, succeeded in finalizing a third draft of the constitution. Happily enough, Tunisians, including Islamists, leftists and liberals, have agreed to work together on a detailed roadmap for a shared future.

Within this context of a revolutionary climate and hard-won progress, women, building on a long tradition of education and a catalogue of progressive rights, found in the movement – away from dictatorship – a unique opportunity to take up unprecedented roles and to secure more rights. Yet, and despite the pivotal role they have played on the frontlines of the revolution, it is still pertinent to ask how women can continue to bring their concerns to the fore.

### Historical Background

On 13 August 1956, just a few months after independence, Habib Bourguiba, the Neo-Destour Party leader and later the first president of Tunisia, asked women to remove their head scarves and drop their veils. In what was considered a revolution against religion, morality, and law in an Arab Muslim country, Bourguiba encouraged women to go out without what he called an “odious rag” and a “dreadful burden” (Bourguiba, 1978, pp. 348-349). In his endeavor to lay the foundations of a modern state,

Bourguiba, who was educated in France and was influenced by the precepts of reason and modernization, strongly believed that the development of his newly independent but poor country would, reasonably, depend on the participation of all citizens, men and women alike. At an early stage, therefore, Bourguiba recognized the potential of women to contribute to the progress of a nation they had helped to liberate during the colonial period. Accordingly, the 53-year old lawyer set out to accord women equal rights. Walking in the footsteps of Mohammed Abduh and Qasim Amin<sup>1</sup> in Egypt, and the nationalist intellectual Tahar Haddad<sup>2</sup> in Tunisia, Bourguiba challenged the dogmatism and conservative norms governing his society in the mid-1950s. His intention was to break the shackles of tradition by insisting that Islamic law or *shari'a*, especially as it is related to women's emancipation, required a new reading that would reflect the modern age. He believed that the traditionalist interpretation of Islam was nothing but a misinterpretation of the Prophet's intentions. However, changing mentalities in a society governed by traditions and chained to long-standing cultural mores seemed as laborious as changing laws. Bourguiba himself admitted:

In the task of changing people's mentality, we have difficulty not only with the men but also with the women themselves, who cling to this state of servility, decadence, and bondage and consider it their normal state. (Bourguiba, quoted in Durrani, 1976, p. 59)

To match word with deed, Bourguiba promulgated the Code of Personal Status (CPS), which represented a radical reform and turning point not only in the history of women's rights but also in the history of modern Tunisia. The CPS, which was later officially incorporated into the new constitution and is still widely accepted until today, eradicated the patriarchal structures that relegated women to a second rank. Besides abolishing polygamy<sup>3</sup> and repudiation, it gave women the right to divorce, which was made possible through an official judicial procedure. The CPS also increased the minimum age of marriage for girls from 13, before independence, to 15 years (for boys the minimum age was 18), and ensured equal pay and equal citizenship for men and women; in politics, women were granted the right to vote. The reforms were able to enforce a new interpretation of *shari'a*, setting the stage for "an unprecedented female emancipation and empowerment in the Arab and Muslim world" (Baliamoune, 2012, p. 2). As Charrad (1997) argues, it was "an aggressive reform from above" (p. 296), in the sense that change came not as a result of women's pressure but as part of Bourguiba's political agenda and his intention to silence his rivals. Nevertheless, if read within the political, social, and cultural contexts in which they appeared, they can be viewed as "very bold and very progressive" (Charrad, 1997, p. 295) in guaranteeing important gains for women in Tunisia.

The CPS, to be sure, was revolutionary. It was a turning point in gender issues in Tunisia as Bourguiba's family law reform continues to leave its imprint on the state of women until today. Far from being equated with the image of 'the angel in the house,' women, thanks to this reform, have been framed as 'new citizens' – and undoubtedly 'new women' – with equal rights to men. In fact, by reducing the power of husbands in issues such as divorce, marriage and custody, and hence disrupting andro-centric assumptions that had been taken for granted, the CPS helped push the boundaries reserved for women a bit further. Bourguiba's attempt to bring gender rights to the fore

provided a good example of what an emerging country from a long colonial period might look like if women were substantially included in state-building. He found in his war against dogmatism and conservatism his own interpretations of Islam and considered his attempt a form of *jihad* or 'holy war'.<sup>4</sup>

Yet, all that glitters is not gold. It would be a grave mistake to read these gains as essentially meant for, and targeted at, women only. In fact, they were not prompted by "feminist concerns" (Charrad, 1997), as the feminist movement did not exist at that time. Bourguiba's thrust was mainly political and not 'feminist'. In this respect, Charrad (1997) argues that, "the CPS was not a victory for feminism. It was the victory of a government strong enough for a while to place a claim on Islam and enforce a reformist interpretation of the Islamic tradition" (p. 296). To silence his political rivals, especially Islamic clerics, Bourguiba found in the question of gender a solid ground to undermine the forces that would have stood in his way.

The point I seek to explore here is that the issue of women's rights has never been the ultimate goal of policy makers in Tunisia, even after the revolution. Rather, it has been "a pawn in political struggles among men fighting over other issues" (Charrad, 1997, p. 285). This was clearly highlighted under the regime of the ousted president Ben Ali (1987-2011). The regime carried on reformist policies related to women and adopted several measures that helped enhance women's rights such as raising the minimum age of marriage to 18 for both boys and girls (under Bourguiba, it had been 15 for girls and 18 for boys) and supporting divorced women by creating a state fund to guarantee financial maintenance to the mother and her children. In 1993, the Nationality Code was ratified, allowing women to pass on their nationalities to their children. In the face of a growing threat by Islamic fundamentalism in the 1990s, the state found in women's rights advocates strong allies to further maintain its survival and secure its interests. In the same vein, and with the same purpose in mind, women's associations and institutions joined forces with the regime fearing that if fundamentalists were to prevail, their gains embodied in the CPS would be jeopardized. The Association of Women Democrats and the National Union of Tunisian Women supported the regime in its struggle for survival. In a famous appeal, women were called to side with 'their' president: "We launch an appeal to all citizens, and foremost to Tunisian women, to show vigilance especially at this time... and to mobilize themselves even more around our President" (Charrad, 1997, p. 300).

Bitterly enough, Ben Ali used women's rights as a propaganda tool to beautify the ugly face of the regime. Human rights advocates, civil society activists, journalists and political opponents were persecuted, tortured and/or silenced. In a context of repression and oppression, gender equality and female empowerment were a façade embellished by mainstream media aimed at the outside world and the international community in order to gain legitimacy and more support. By hopping on the feminist bandwagon, the regime was able to veil its shameful human rights record and find a distraction for the international community, while it cracked down on its opponents.

### The Revolution

During the revolution, the presence of women was resounding. Together with men, they took it upon themselves to participate in the events not only as mere

demonstrators but also as organizers and leaders. From diverse socioeconomic and political backgrounds, women wanted to leave their imprint on history and to have a say in the future of their country. Their active participation and involvement in the uprising helped them to acquire essential skills and form a strong network among themselves. The revolution has taught them to take the initiative and play a major role in the process of reconstructing their nation. It should not come as a surprise, therefore, that “a long history of top-down policy formulations concerning women’s rights was abruptly interrupted” (Charrad & Zarrugh, 2013, ¶ 7).

In the aftermath of the revolution, gender equality was central to Tunisian politics; as a first step and a symptom of goodwill, a quota to include women on party lists for the election of the NCA was instituted into law. The measure required that candidates on party lists should be 50 percent female. At a second level, reservations to the Convention on the Elimination of Discrimination Against Women (CEDAW) were finally removed.

Yet, with the Islamists’ electoral victory in October 2011, questions were raised about the influence of religion on the new Islamist government. Amid political distrust and ongoing social unrest, vehement debates and wide-spread concern began to dominate discussions on women’s rights.

## Challenges

### A Crisis of Identity

The aftermath of the revolution paved the way for a plethora of new political parties, each of which has its own agenda concerning how society should be. Hence, a multiplicity of images of women took center stage and the debate over gender issues intensified. In fact, instead of calling attention to the surprising absence of women in the newly appointed, predominantly male cabinet of Prime Minister Mehdi Jomaa (3 of 28 ministers were women), a few groups from the women’s movement, fuelled by the media, became engaged around the question of “Who is the Tunisian woman?” Mrs. Amel Karboul, the young Minister of Tourism in the technocrat government, was transformed into a media celebrity and an icon of intelligence, eloquence, education, and western dress. Implicit in this representation is the assumption that the model of the “new Tunisian woman” is one who is talented and westernized, someone with whom women should identify.

On the other side, women flooded the streets on the last National Day of Women in Tunisia shouting, “*Imra’a Tunsia – mish Mehrezia!*” (The Tunisian woman is not Mehrezia!) referring to Mehrezia Labidi, the Vice-President of the NCA, a political position that no other woman in the Arab world has ever held. Though Mehrezia, who has spent most of her life in Europe, is well-educated, fluent in three languages, a very confident political leader in her Islamist party Ennahda, and a prominent civil society activist in France, the protests waged against her raise questions about the reasons. This very image is reminiscent of another one, that of Sihem Badi, the previous Minister of Women’s Affairs and member of the Congress for the Republic, a major ally of *Ennahda*. Women’s rights activists daringly threw shoes at her office as a reaction to an infamous photograph of her holding a pair of shoes that belonged to the former First Lady. While I find the reasons behind the debate over the two images trivial, I can

safely assume that there lies, within the feminist movement itself, a crisis of identity over what it means to be a Tunisian woman.

The two images, to be sure, reflect a crisis at a time in which Tunisian women should be proud of reaching such positions in politics. They should join forces to guarantee their rights and go beyond their differences. Women in Tunisia today seem to occupy two dissimilar worlds with two different identities. Divided and politically split between two projects; a conservative Islamist, on the one hand, and a secular leftist on the other, the movement cannot easily nudge its way into more rights. Rather, women, caught between two identities, find themselves “running just to stay in the same place”.<sup>5</sup> Moreover, the discrepancy is still great between women in the cities and their sisters in the rural areas where obscure lives remain unrecorded. For instance, urban women are usually those who are portrayed in the media as well-educated, modern and free, occupying high-level positions, and serving as magistrates, doctors, dentists, pharmacologists, and academics. Generally, they are those who have access to employment, education, and politics. On the other side, rural women still suffer from scarce financial resources, have restricted opportunities and are therefore denied easy access to employment and education. If women’s rights advocates call for equality with men, I think they have to bridge the gap first with those women who are on the margins.

#### Fundamental Islamists

Women were visible activists during the uprising in Tunisia. Lawyers, teachers and others, took it upon themselves to bring change and contribute to Tunisia’s democratic transition equally with men. However, a different reality has emerged after the revolution and women’s demands for dignity and, most importantly, for equality are now far from being realized. The fears that their brothers could leave them on the shelf and send them back to the kitchen are intensified. Instead of change, therefore, the transition, argues Elizabeth Johansson Nogués (2013), has initiated uncertainty and “ushered in mixed messages and continued insecurity for women” (p. 401). With the victory of the Islamist party Ennadha in the 2011 elections, fears were intensified that women’s rights would be at stake. Although the party has continuously reassured women that the CPS would not be touched, some incidents threw a spoke in the wheel for women seeking dignity and equal status.

Under the rule of Islamists, it became crystal clear that the heyday of women’s rights would be something of the past. In the last two years (2012–2014), women’s rights advocates have come to the conviction that with Islamists occupying the lion’s share of seats in the NCA, the CPS, long seen as a ‘beacon of hope’, is no longer immune to threats. Several incidents intensified that fear and cast uncertainty on future hopes for gender equality in Tunisia. First, the Islamist members in the NCA, especially those who came to be known as the ‘Eagles’ in the party, tried ceaselessly to pepper the constitution with the spices of religion claiming that Islamic law or *shari’a* should be the essential source of legislation. Moreover, in an earlier draft of the constitution that was released to the public in August 2012, the Islamists clearly unveiled their intentions concerning women’s roles and fuelled fears that Ennadha might attempt to roll back Tunisia’s comparatively progressive CPS. For instance, the wording of Article 28 of that draft defined women as ‘men’s complements’ and associates, rather than

their equals. The article reads thus: “The state shall guarantee the protection of the rights of women and shall support their gains as true partners to men in the building of the nation and as having a role complementary to them within the family”. Based on the idea that men and women are complementary, rather than equals, in Islam, and the possibility for women’s subordination within this framework, the choice of the term ‘complementary’ may be seen as not only relegating women to a position behind men but also defining women only in relation to, and under the control of men. The term provoked a firestorm of criticism and revealed that gender issues were going down a path of uncertainty.

Second, with the rise of Islamists to power, tensions were fuelled between the notion of gender equality and women’s freedom, and the sense of religious identity that can be achieved only at the expense of women’s gains. Some Salafist parties such as *Hizb ut-Tahrir* and organizations like the banned *Ansar al-Shari’a* (supporters of *shari’a*) started working to protect public morals and to maintain public order in what is reminiscent of the vice and virtue police in Iran and Saudi Arabia. As a result, women were persecuted and harassed for their dress and lifestyle (i.e., smoking, drinking, walking unaccompanied by a male, etc.) and journalists, artists and activists were attacked and arrested. At La Manouba University, individual Salafists tried to impose the veil on unveiled students and professors alike in protest against a decision to ban female students from wearing the *niqab* during exams. They even used violence against faculty members to reinforce their preaching. In a 2013 BBC report on Tunisia, Caroline Anning argued that, “[a]necdotally, Tunisia is becoming outwardly more conservative... with beards and veils increasingly on the Tunisian streets”. In such an ideological vacuum, the government, in the hands of Islamists, was reluctant to react quickly against these threats and was mostly silent and indifferent to those militias reported to be its stick against secularists. The warm welcome of Egyptian clerics and other religious scholars whose teachings centered on the veil and, awkwardly, on female genital mutilation, raised concerns about women’s dignity with the fundamentalists’ rise to power. In September 2012, a rape case intensified fears about how far women would have to go in the aftermath of the revolution, when the victimized girl was accused by the two policemen who raped her of violating moral behavior, finding her ‘responsible for her rape’.

These incidents, to be sure, epitomize the muddy ground that women have to tread at this particular historical time. For, having succeeded in ridding themselves of a political dictatorship, women, unexpectedly, have found themselves facing a religious one. It is possible that in such cultural paranoia the secular gains of more than 50 years may be turned back, and the future continues to be uncertain. Preparing for the best, and probably expecting the worst, the women’s movement’s real battle is essentially cultural as the main obstacles combine deeply held patriarchal customs and conservative religious practices. In my opinion, the ‘Jasmine Revolution’ in Tunisia, as it has been known, should be regarded not only as ousting a dictator, but challenging patriarchal structures within Tunisian society.

## Conclusion

Four years after the outbreak of the revolution, with Tunisia’s nascent democracy, still-ailing economy and fragile security environment, it is evident that the question

of women's equality and empowerment, together with the burdens of regional development and employment, are no longer the main concern of policy-makers. The slogan 'Work, Freedom and Dignity' held during the uprising against the autocratic regime of the ousted long-time leader is now something of the past and irrelevant in the changing times of the present. Fighting on an open field, and unable to respond to the endless demands of its citizens, the technocrat government's new policy follows a 'not now' approach to women's rights. For instance, on February 14, 2014 and with the newly drafted constitution, only two weeks from being approved, the Ministry of Interior in Tunisia released a statement announcing stricter control on women wearing the *niqab*. Although the decision was meant to 'curb' terrorism, it was thought to be a real threat to the dignity of women and a violation of their freedom, raising concerns and fears by lawyers, religious conservatives, and civil society activists that the situation is still tense. Therefore, it lies in the hands of women to remain vigilant so as to advance their fundamental rights and go beyond their generational, cultural, and ideological differences in a country where "the *niqab* and the bikini can live side by side".<sup>6</sup> It appears, then, that the transition in Tunisia is still young, the road to emancipation is long and bumpy, and the future is not certain, leaving the situation of women in limbo.

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## ENDNOTES

1. I am referring here to Qasim Amin's books; *The Liberation of Women or Tahrir al mara'a* (1899) and its sequel *The New Woman or Almar'a al jadida*. In both his books, Amin, as an advocate of women's rights in Egypt, correlates between the intellectual development of women and the development of the society at large by stressing the importance of women's education and freedom.
2. In 1930, Al-Haddad wrote a very controversial book titled *Our Women in the Shari'a and Society* or *Imra'atona fi achari'a walmojatama'a* in which he advocated formal education for women and called for freeing them, and the society at large, from the long-held traditional norms. The route to reform, he believed, should start from a reinterpretation of Islam in a changing society. Consequently, al-Haddad's support of women in a very conservative society led him to a state of seclusion and disgrace. His book was condemned and severely attacked in Ben Mrad's pamphlet titled *The Shroud of Mourning Thrown on al-Haddad's Women* or *Al hidad 'ala imra'ati al-Haddad*.
3. Tunisia is the only country in the Arab world where polygamy is abolished.
4. In Algeria and Morocco, for instance, authorities chose not to eliminate the conservative institutions, but kept them as they were. This fact can explain why Tunisia was ahead of them in particular, and the Arab world at large, in its reforms.
5. The expression is used by Efrati (2005) in her article on women in Iraq. For more information, see Charrad, 2011, p. 424.
6. This expression appears in BBC New Africa report on Tunisia by Caroline Anning dated 27 March 2013. The original title was: "Tunisia: Can niqabs and bikinis live side by side?"

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# Of Laws Tattooed in Flesh:

## Gendered Self-Expression through “*Tounsi*” in Post-Revolutionary Tunisia

Agatha E. Palma

They gathered outside, in the summer of 2013, at a public park in Tunis with yellow flyers attached to their arms that read Sayeb 15. They were demanding freedom for *Wled al-15*, a Tunisian rapper, who had recently been jailed after months of hiding for his song *Bolicia Kleb*, or “The Police are Dogs”. The gathering was among the first for *Kalaam Charaa*, a street poetry movement initiated by young Tunisian poets, which stresses the importance of poetry in Tunisian dialect, known locally as *Tounsi*. One young woman got up to read an original poem, but I had seen her somewhere before – she was Shams Radhouani Abdi, a popular socialist and feminist. Her voice low but powerful, she read her poem, “Prepare the Shroud”, in dialect:

Prepare the shroud  
 And if you still have more cloth, don't forget  
 To sew her a dream  
 And to sew her a light in a dark night  
 And to write her a poem and a love song enveloped by a sigh  
 And to wipe the tears of her idea  
 And to tell her, I'm still with you until the revolution comes  
 You shut your eyes and open them  
 And you find her resisting by your side  
 Laughing and measuring and cutting, she tells you,  
 Prepare the shroud

In the poem, Abdi speaks of preparing a burial shroud for her country. Yet she intentionally refers to Tunisia in the feminine pronoun ‘*hiya*’, to speak not only to the grim future she predicts for the country, but for its women as well.

I first met Shams Abdi in the spring of 2013 at the World Social Forum, held in Tunis. She had led a large seminar on transnational feminism, and later brought several hundred to their feet, chanting “So-so-so! *Solidarite! Avec les femmes!*” She had garnered the attention of many, and was waving off an Al Jazeera journalist when I finally had the opportunity to approach her. Before I knew it, I was crammed into the backseat of her two-door car, amongst four other female poets, laughing each time we hit a bump in the road – Shams was yelling out dirty curse words from her open window, defining them for me in explicit detail, and asking if there were

any equivalents in English. A young man crossed on foot in front of us, and Shams honked and yelled out her window, “*Zabbour!*” which made the entire car erupt in laughter. Finally, it was explained to me: *Zabbour* is the Tunisian word for vagina, used frequently by men to describe sexy women. Shams, then, was appropriating the term and using it to tease a younger man, who looked back at us, bewildered and amused.

Throughout this paper, I will argue that the use of Tunisian dialect, or the *Derja*, can in certain contexts be an act of resistance, especially as used by women; *Tounsi* is often associated with vulgarity and crudeness, and while it is used by Tunisian women all over, it popularly holds lower-class and uneducated connotations. It may especially be cited as inappropriate, for example, in the supposedly refined world of poetry. If modern standard Arabic and French are the languages of education and sophistication, then the *Derja* is the unwritten language, the language of the streets. “The *Derja* is a battered language. And yet it is the mother tongue, that of affect, emotions, human relationships” (Ben Ammar, quoted in Auffray, 2014) – it is thus the language of expressivity, and is therefore a significant focal point with which to examine resistance.

With an emphasis on women’s street poetry, this paper examines various artistic forms of resistance in Tunisia as they illuminate gender relations, masculinity versus femininity, and Islamism versus feminism. Yet Lila Abu-Lughod (1990) warns us not to romanticize resistance, arguing that we have become so fixated on it that we forget to trace it back to the actual power structures that it could not exist without. But I would also argue that through anthropology’s fixation on power, we forget to examine critically what we take to be its given forms. I thus also hope to complicate, by turning towards Islamic hip-hop, the rather simplistic dichotomy that often places Tunisian feminism at odds with Islamism, and the commonly held view that Islamism is necessarily a form of power that must be resisted.

We might expect that rap lyrics would be written in dialect, but the use of the *Derja* in poetry is rather unusual, and I argue that it serves several means: for one, it resists the supposed sophistication of standard Arabic, used historically by Arabic-speaking poets, and the supposed pureness of classical Arabic, associated with the Quran; second, it asserts a Tunisian identity above all others; third, it pushes up against the politics of language education, wherein French becomes the dominant means of pedagogy in Tunisian schools; fourth, it confronts questions of language use and masculinity versus femininity; and finally, street poetry becomes a means for women to reclaim public space.

Tunisia has long been known by the West as a beacon of progressivism in the Arab world. This is nowhere more apparent than with the issue of women’s rights. Following liberation from the French, Tunisian president Habib Bourguiba, in 1956, implemented the personal status code, which consisted of a number of progressive laws regarding women and gender relations. The code guaranteed women the right to divorce, the right to abortion, and outlawed polygamy, among other things. Feminist organizations in Tunisia were thus generally content until the 1990s, when there began a wave of Islamism in Tunisia. Viewing the increased presence of Islamism as a threat, various feminist organizations began to mobilize, the most prominent of which was the Democratic Women’s Association of Tunisia, or the ATFD.

But Tunisian Islamism was also a threat to Ben Ali and Bourguiba; as we know, its opposition to the regime meant that along with Tunisia's underground leftists, Islamists were routinely harassed, jailed, and forced into political exile. It was in fact to the regimes' benefit to pit Islamists and leftists against each other, and likewise, Islamists and feminists. The result is no more visible than ever today; the country is divided by and large between Islamist conservatives on the one hand, and secular leftists on the other.

But identity rifts in Tunisia often go beyond the political, and language intersects with Tunisian identity in crucial ways. In fact, it may have contributed to what some had called a Tunisian identity crisis in the years leading up to the revolution, wherein many Tunisians were unsure of where they fit in culturally: nationally-renowned filmmaker Nouri Bouzid (1996), for example, acknowledged one aspect of this so-called crisis by asking: "Are we Arabs? Are we Tunisians... Berbers... a mixture?" and, "What do these mean? Why have I always been ruled?" Add to this the triad of languages used in particular situations and only when appropriate (Standard Arabic and French in public, for example, and Tounsi in private spaces), and it is easy to understand how popular ideologies of Tounsi and its speakers have been shaped over the years.

But such language ideologies appear to be slowly shifting in post-revolutionary Tunisia. Arguably one of the most important moments of the revolution was the convergence, albeit brief and short-lived, of something like a Tunisian culture, since Tunisians from nearly all backgrounds were by and large opposed to Ben Ali's dictatorship. In fact, the revolution had become a certain kind of antidote to, if indeed there ever were, an identity crisis: the tiny country of Tunisia was suddenly put on the map. It became the country responsible for the Arab Spring, and even the theme song of the Tunisian revolution, *Rais Lebled*, or "Head of State", a rap song sung in *Tounsi* by Tunisian rapper El General, became the theme of Egypt's uprisings as well (Gana, 2013). Perhaps then, in some ways, the revolution was the answer to Bouzid's identity crisis; Mediterranean, Arab, Berber – Tunisia is all of these things, but Tunisia is also distinctly Tunisian, and its language is *Tounsi*. Poetry in Tunisian dialect, then, firmly asserts a Tunisian identity: it rejects the generalizing "Arab" identity implied by the use of standard Arabic, which arguably erases the distinctly Tunisian experience.

Yet as I have claimed, poetry in dialect is especially important for women. Throughout my fieldwork in Tunis, I often noted that the Tunisian dialect appears to hold particularly masculine connotations. While it is equally spoken by Tunisian men and women, the language is considered rough, especially in its most modern form – young Tunisians, for example, have taken to replacing certain verbs with the word *ennik*, or fuck. They will often be heard saying, *ennik sandwich*, which means, "eat a sandwich" but which translates literally to "fuck a sandwich", or *ennik taxi*, for "take [or fuck] a taxi". Common insults in the dialect, such as *barra nik ommik*, or "go fuck your mother", have clear implications of what gender they speak to, and have become such a fixture of the dialect that they have almost lost their original meaning.

Women typically refrain from using such phrases in public. In fact, numerous studies have shown that when it comes to code-switching between dialect and a more prestigious language, women actually tend to choose the prestigious forms more often

than men (Gordon, 1997). In Tunisia, this could mean choosing French in certain formal settings. Linguist Elizabeth Gordon (1997) explains that this is not for purposes of self-promotion, but rather to avoid the associations that often accompany dialect use when intersecting with gender: female users of dialect, for example, tend to be associated more with sexual impropriety. We should then ask what meanings we might draw from women who intentionally use dialect in public spaces. Perhaps it is more than simply to reaffirm their Tunisian identity, but to also directly challenge the stereotypes that might otherwise cause them to refrain from using their own mother tongue in certain contexts.

While the two founders of *Kalaam Charaa* are men, it has become a popular space for many politicized Tunisian women. Poetry has historically been an acceptable place for women perhaps because it is associated with “softness”, but scholars have long shown how poetry has been a central means of women’s resistance. In fact, feminist poet Audre Lorde has said, “poetry is a vital necessity of [women’s] existence. It forms the quality of the light within which [they] predicate [their] hopes and dreams towards survival and change, first made into language, then into idea, then into more tangible action” (1977, p. 37). But still, we must question, how can the use of the Tunisian language translate into tangible action?

The female poets of *Kalaam Charaa* are often powerful speakers. They take up space, moving their arms and bodies for emphasis; raise, deepen, and lower their voices to convey emotion, and pause, sometimes for several tense moments, for effect. This falls in line with one of *Kalaam Charaa*’s stated purposes, which is to “reclaim public space”. This can be found on their Facebook page and has also been repeated at several of its events, where participants have been known to exclaim, “public space belongs to us”. Such a sentiment must be especially important for women, who must negotiate a public space that was largely constructed at their exclusion.

Questions of women in public space and the implications of freedom of speech in post-revolutionary Tunisia are worth exploring, but within the content of this study I would like to briefly trace out the role of *Tounsi* in public space in more recent years, as language has been an immensely strategic tool used by both the Bourguiba and Ben Ali regimes. Prior to 2003, Tunisian radio stations were solely public, and like television stations, were strictly in standard Arabic. Public speeches by both Bourguiba and Ben Ali were likewise always given in standard Arabic; Tunisians often referred to the use of standard Arabic as *Hashabia*, or “wooden language”, referencing its stiffness, or inaccessibility and elitism.

Yet decades into Ben Ali’s leadership, he rightfully sensed a climate of growing dissatisfaction among Tunisians. It has been argued that one of his efforts to mitigate Tunisian discontent was through his authorization of private radio stations, which, while still under his control, became entirely broadcast in dialect. The didactic, stiff programs broadcast in standard Arabic at last gave way to new private stations, wherein Tunisians could call in and air out their frustrations that may have otherwise been directed at the regime (Haugbolle, 2013). Ben Ali similarly allowed for *mizwid*, traditional Tunisian music associated with the lower class, to be publicly broadcast for the first time on national television (Gana, 2013). Like the use of dialect, Nouri Gana

argues that broadcasting *mizwid* was a means to opiate the masses, to suppress their resistance. It should be noted here that the only public speech the regime ever delivered in dialect came from Ben Ali, the day before his ousting, wherein he infamously stated, “*ana fhemtkoum*,” or, “I understood you”.

The poets of *Kalaam Charaa*, then, seem to have hit a nerve at exactly the right moment: as even Ben Ali demonstrated in his final speech, the *Derja* has the power to communicate in ways that standard Arabic cannot. This likely explains why, more often than not, the women’s poetry of *Kalaam Charaa* is extremely political. Another of Abdi’s poems, written after the assassination of leftist leader Chokri Belaid, is an obvious confrontation with *Ennahda*, the Islamist party that some hold responsible for Belaid’s death. In this poem, Abdi speaks of *al-fikra*, or the idea, being stomped out by Islamists. She writes,

The idea is a time bomb, a missile  
 The idea is dynamite  
 It heals the ill  
 Awakens the dead  
 A song, a poem, a book  
 ...  
 The idea is a rap artist  
 And in his blood he injected the hate  
 of *Ennahda* and Al Beji  
 His words came out of the ghettos  
 Written in blood  
 Coming from flesh  
 ...  
 The idea makes you live, despite the killing  
 The idea calls for life, despite the fighting  
 The idea lets you make bullets from words  
 Of laws tattooed in flesh

Through my interviews with Abdi, I learned that “these laws” were actually in reference to the constitution, which was then still under the process of re-drafting. Many feminists, like Abdi, had worried that Islamism was making its way into the constitution.

Yet some scholars assert that feminist opposition to Islamism has in large part been stoked by discourse promoted by the Ben Ali regime, which intentionally framed women’s rights and Islamism as oppositional (Marks, 2013). Such discourse can be traced back to the early years of Bourguiba’s presidency, wherein he presented himself as the protector of women’s rights partly in order to gain popular support against his Islamist opponents. For Ben Ali, calling himself the advocate of women’s rights served similar purposes – he managed to suppress Islamist resistance by continuously portraying it as regressive and anti-modern (Marks, 2013). In fact, Monica Marks (2013) asserts that there had been something of a tense alliance between Ben Ali and several feminist groups, like the ATFD, because of their shared opposition to what both viewed as the threat of Islamism. Because of this arguably constructed dichotomy between feminism and Islamism, when Islamists flooded the Tunisian

political scene following the revolution, some commentators began to paint the revolution as “bad for women”.

While I have yet to find any artistic expressions on the part of religious women, a number of male hip-hop artists emerged during the revolution that can be labeled as pro-Islam, if not Islamist, and many speak of women’s outspokenness in the public sphere in their songs. Among the most famous of these Islamic hip-hop artists has been Psycho M. Several’s songs. Among such songs are: “Manipulation” and “Psychological War”, that express disdain for what he views as a global campaign against Islam (Gana, 2013). Both songs include violent attacks on Tunisian secularists, such as filmmaker Nouri Bouzid, who has spoken out against Tunisia’s Islamist role post-revolution. In “Manipulation”, Psycho M. also harshly criticizes Tunisian actress Sawsen Maalej, who referenced the male organ on a talk show (Gana, 2013). In the 15-minute song, he calls her a “sick actress who needs to be treated,” and then sarcastically remarks,

Thank God we have such an actress  
Leading women and the nation  
With champagne and pastis.

The growing popularity of Islamic hip-hop in Tunisia may give us pause; after all, hip-hop as we know it has deep roots in anti-establishment movements, and rarely embraces religious values. Islamism, however, as we have seen, has been anything but the establishment in Tunisia for many decades. We have thus seen Islamic rap emerge as a particularly important form of resistance pre- and post-revolution, with women and the role of Islam in public Tunisian life as some of its focal points.

Also significant is the use of the *Derja* in Tunisian rap. Similar to Black English in American rap, *Tounsi* has a sense of limitlessness, as there are no written rules; of course, both Black English and the *Derja* are rule-governed systems (Alim & Pennycook, 2007), yet they are more flexible and free-flowing, and become a way to “contest the dominant script” (Scott, 1992, quoted in Alim & Pennycook, 2007). Rap has also opened up the space for the creation of new words and new styles of speaking, and while it is still relatively new in Tunisia, we cannot underestimate the potential impact it will have not only on the Tunisian language, but perhaps even on ways of thinking for Tunisian youth. So while we have thus far seen *Derja* in poetry as a means of feminist resistance, its use in Islamic hip-hop may allow us to recognize more clearly how Islamism has in fact had a long history of suppression in Tunisia.

Acknowledging the struggle of Tunisia’s more religious or conservative population, especially its women, who had long been harassed under Ben Ali’s regime, is not to undermine what leftist feminists face. Instead it becomes clear that both secularist and religious Tunisians, and especially women across these lines, share much to resist. It is both secularist women and their religious sisters who had been victimized, oppressed, and punished under Ben Ali’s decades-long dictatorship, and who continue to be used variously by every party on the political spectrum to gain national support. As we know, women’s bodies have long been the location in which men hold ideological disputes, further their political agendas, and create allegories for their nationalist struggles.

Unfortunately, as we know, shared histories of struggle have not transformed into solidarity or sympathy in post-revolutionary Tunisia. The intense, spiteful divide between Islamists and leftists, or Islamists and feminists, perhaps stoked by the old regime, has become the new standard. Yet public space must be reclaimed by all: Tunisia remains a police state, and as many have noted, the old system is what continues to shape the new. Perhaps then, in order to successfully contest the dominant discourse, be it through artistic forms, the use of the Tunisian language, or otherwise, it will be important to remember first what had once been shared acts of resistance against the oppressive state. Such common histories have by and large been forgotten in a divided post-revolutionary Tunisia.

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# Survivors, Not Victims!

## The Problem of the Rehabilitation of Sexually Assaulted Women

**Amal Elmohandes**

In Egypt, girls and women, in the private and public spheres, face varied and numerous forms of sexual violence. In the public sphere, they are exposed to violence, be they activists, human rights defenders, or normal citizens. They are also at risk as they walk through the streets and squares to take the metro, on their way to their schools and universities, or in their places of work. As soon as one of them undergoes a virginity test, is sexually abused, raped, or assaulted, gang-raped, vaginally examined, orally or anally raped, or sexually harassed, everybody, be it the family, friends, the media, medical professionals, or the judiciary rush to label or stigmatize her as a “victim”. Defining women as victims is the result of a regular practice by a patriarchal society that adopts male values aiming to shed light on the offense or violation committed against them from a sexual perspective. Oftentimes, these women are slandered and blamed for the crime perpetrated against them, and sometimes the patriarchal society links the violation these women endured to their honor and virginity as a means to measure their value within society. Such an approach depicts them as women in need of male protection in order to preserve their dignity and honor. This situation is explained by Dr. Aida Seif al-Dawla:

The suffering many women endure as a result of their choices, which may sometimes clash with the community’s expectations, is not in fact the result of a wrongful act done by women, but rather because Arab culture and traditions set specific roles for men and women many years ago, and have not yet succeeded in keeping pace with rapid social and economic changes that have occurred during the last decades, whether related to men or women.

This stigmatization compounds the burden on women survivors at many levels. At this very moment, they need to triumph over the post-traumatic stress precipitated by the violation and offense, then overcome the inner conflict resulting from the feeling of guilt, and from the discourse they have been subjected to since an early age. This discourse instills in them the notion that a woman’s body is a social burden that causes shame and disgrace to the family and constantly reminds them of the traditional customs based on patriarchal values. One must also bear in mind the confusion they feel. Is it wise for them to tell their families and relatives about what has happened

to them, or even to speak out in general, driven by their feelings of responsibility towards a society that is passing through a complex political and societal stage, a society that uses the presence and participation of women in the revolution as a pawn. Furthermore, this same society ignores their physical integrity and their rights. Not only that, it is a society that denies such crimes, which explains the absence of an integrated system to rehabilitate women survivors and reintegrate them into society. In fact, most sexual assaults and gang-rape survivors suffer, as proven by our field experiences, from severe physical injuries given the violence of such offenses. Some of these injuries may change the entire lifestyle of the survivors in the long run and, perhaps, forever. They might suffer from blindness because of damage to their sight, have to resort to a hysterectomy to save their life from fatal bleeding, or have injuries to their vertebrae, resulting in a disability that prevents them from accomplishing certain activities. Some females suffer from severe burns and abrasions, leaving scars in different parts of their bodies like a thorn in their flesh, always there to remind them of what they had endured.

Women's struggle with their bodies does not stop at this point. There comes a moment when they pass through an identity crisis, where they are labeled as victims by the community and the media, or "women survivors" as we like to refer to them. This usually proves to be the hardest and most confusing moment. Then come the reactions of those around them to further complicate and exacerbate the situation even when they are continuously trying to overcome their trauma. Some believe that focusing on sympathy for those women survivors and letting them feel that they are being given support while dealing with them as survivors can cause them to actually believe that their role in life is over. Moreover, they may go through a daily vicious cycle, which reduces their lives to the moment when they were subjected to that assault. Consequently, they are preyed upon by patriarchal protectionist speech which focuses on the necessity of protecting women, on the grounds that they are "vulnerable" beings unable to go on with their lives without male protection. This only increases their marginalization and their feelings of shame of being born female.

Many factors help promote the aforementioned protectionist discourse that instills feelings of shame. The Egyptian Penal Code only recognizes a rape carried out by male penile penetration of a female vagina; in contrast, it defines penetration of the vagina with the fingers or sharp objects, and oral and anal rape as sexual molestation. It is worth mentioning that the female survivor is always referred to as the "defendant" or the "victim".

Another factor relates to the different societal reactions towards the survivors, whether the violation has been committed by the state itself or by individuals within the community. While there are differences in reactions to the deed, they all yield the same result: imposing on women survivors the feeling of shame. In the case of crimes committed by the state, be they virginity tests, sexual abuse, oral rape, or vaginal examination, everyone tends to put the blame on the woman survivor not only for defying authority, but also for the very challenge of being a woman and for daring to stand up against what symbolizes respect, authority, and righteousness. Her intentions are questioned incessantly, claiming that she is "disreputable" since she does not comply with the traditional roles in society. Nevertheless, based on the

prevailing political context, influential actors in the political field express concern about women survivors solely for the sake of reaching a particular political purpose, then disown them afterwards. As for the crimes committed by individuals in general, they are completely ignored, passed over in silence in order not to taint the reputation of the revolutionary struggle and what it symbolizes. This is also linked to prioritizing political and public interests over women's rights. Everyone blames women survivors, and the media portrays the offense as provocative news. Hence, women feel as if the community has cast them off, and their feeling of shame grows stronger. The truth is that survivors think a thousand times before revealing what they have been subjected to, or sometimes take it to the grave.

The perpetrators' constant impunity exacerbates the suffering of survivors following their ordeal. They endure injustice, slander, and lack of interest, despite the recently increasing awareness of the issue of sexual violence in general, and the creation of various initiatives and groups in some provinces outside Cairo that examine multiple types of sexual violence, whether in the public or private sphere. However, the survivors face many problems owing to the absence of a system that enables them to overcome the crisis they are enduring. A limited number of feminist groups work on this issue, but there are still many unknown survivors left to their own fate. Furthermore, the odds of survivors' rehabilitation and reintegration into the community are low for women who are not active in the public sphere.

Needless to say the overall context and the available means that facilitate women survivors' rehabilitation and reintegration into their communities are key factors. Yet, the political will of those around them and the existence of genuine interest in related cases and in their safety directly affects the process of overcoming those traumatic experiences, and their ability to rise above their ordeal. This is what makes the feminist groups concerned with this matter ponder whether these women should be considered as survivors or not. But they are survivors indeed – especially in a patriarchal society that insists on their being powerless victims – trying to overcome their inner conflicts, and to find the logic behind what has been perpetrated against them, and to preserve some sanity to get on with their lives.

### **Rehabilitation System for Women Survivors: Basic Principles**

Before introducing the basic principles for a survivors' relief and rehabilitation system to be incorporated into the national strategy for the elimination of violence against women in Egypt and that was called for by several feminist organizations, we must better understand the physical and psychological processes that the survivors go through, starting from the moment of the offense and ending with the recovery process that follows. According to the Florida Council Against Sexual Violence, which works with women survivors on their rehabilitation and recovery, the response and recovery of a woman survivor are determined by many variables. The post-traumatic stress effect depends partly on factors such as the woman survivor's age, state before the offense, and her ability to adapt and adjust, as well as the identity of the culprit. What happened during the offense affects her experience, including the intensity/duration as well as the number of times it was repeated, if applicable, in addition to the extent of the violation, the availability and the existence of sources of support and the ways in which the community helps women survivors to recover. Usually

women survivors experience a number of symptoms that can last from a few days to several weeks. Some express them, while others control and mask them. Common symptoms mentioned in the immediate aftermath of the crime can be summarized on the following levels:

- Physical: injuries, pregnancy, sexually transmitted diseases, vomiting, and fatigue.
- Emotional: trauma, guilt, apathy, fear, loss of control, helplessness, disability, shame, and anxiety.
- Mental: the inability to understand, self-doubt, the inability to focus for long periods, wondering and asking “What if?” “Where is he?” “What will happen now?” “What should I do?” and “How would they [the family, society] react?”
- Behavioral: eating disorders, sleeping disorders, crying, laughing, screaming, joking, worrying, shaking, anxiety, irritability, silence, or logorrhea.
- Environmental: fear of pursuing work or studies, and stress because of children or other life requirements and responsibilities, as well as the need to spend time in the criminal litigation system.
- Intimacy: needs varying from the desire for physical intimacy, to the desire of the woman survivor to be left alone, issues of trust, and personal difficulties.
- Familial: control, desire for revenge, skepticism, and trauma.
- Spiritual: “Why me?” conflicts with God and awareness of the fragility of life.

Following the trauma, the woman survivor realizes that her life has changed forever. Trying to understand and find a way to get on with her life is seen as a first step. Some women face serious difficulties in re-adjusting. This mostly applies to women survivors who face other problems in their lives, such as poverty or abusive relationships. If women survivors, especially those facing other problems in their lives, do not get the necessary support, the situation might worsen. Survivors experience some symptoms in the long run and their response depends on the kind of support they receive, as well as on the phase they are going through in their own recovery process. These symptoms include:

- Physical: revisiting scenes of the crime, detachment from the needs of the body, high irritability due to sensory factors, weak immune system and fatigue.
- Emotional: vulnerability, isolation, anxiety, breakdown, excessive sensitivity, loss of control, sadness, excessive anger, general fear, and depression.
- Mental: inability to concentrate, lack of self-confidence, blaming one-self, thinking about ideas related to the assault and rape and feeling that she will never be the same, that she makes people feel uncomfortable, and that no one understands her.
- Behavioral: avoiding crowds, isolation, changes in appearance, self-harming, suicide attempts, avoiding sexual relations or having sex when she doesn't actually want to, using drugs without consulting doctors, avoiding loneliness and refusing to engage in some activities that she usually practices.
- Environmental: avoiding any interaction with the perpetrator and seasonal issues associated with the crime, avoiding the media, social beliefs, and the criminal litigation process.
- Intimacy: questioning sexual relationships, lack of trust, and playing the role of the victim excessively.

- Familial: criticism, lack of support, having to deal with buried human experiences, isolation, and mature relations.
- Spiritual: belief in “bad karma”, God’s will (good and evil), and trying to find meaning for what happened.

It is worth mentioning that the recovery process is slow and non-linear. The women survivors need great courage to put their lives back together. Such a recovery does not revolve around them forgetting the crime they were subjected to. One can say in fact that there is a balance between having them work on the recovery and moving on with their lives. The recovery process varies from one survivor to another, and can begin immediately after the crime or even 25 years later. Usually, any new problems that emerge in the lives of women survivors can plunge them back into this trauma. Old memories may return owing to specific factors or with the beginning of new commitments and relations.

### **What to Include in the Egyptian National Strategy to Fight Sexual Violence**

One can deduce from the above that certain factors and various support systems are needed to enable women survivors to turn the page and move on with their lives. These factors are indispensable for their rehabilitation and reintegration into their communities. This includes responsibilities and services that the state must provide as well as the surrounding environment that includes family and friends. These systems can be categorized as follows:

**Medical Support:** The need for tools (i.e. rape kits) to prove the occurrence of the crime and preserve the evidence; for the treatment of sexually-transmitted diseases or infections (STD/Is); the ability to treat severe physical injuries; natural long-term treatment; contraceptives; and training nurses and doctors on how to deal with survivors professionally and humanely.

**Legal Support:** Ensuring a fair and complete legal process; holding perpetrators accountable for crimes of sexual violence in an environment that fosters the survivor’s confidence in the system and respects her privacy; refraining from forcing her to promptly identify the perpetrators or give information that she may not be ready yet to give; ensuring the confidentiality of the process itself; not disclosing any information that might put her at the mercy of the offender(s) or their families; re-defining sexual violence offenses as crimes of violence that are not to be associated with morality and honor, which may increase the feeling of guilt by survivors; ensuring that the medical examination department deals professionally and humanely with the survivor; training staff and doctors; abolishing so-called virginity tests (which are also used in shelters that take care of women victims of violence).

**Psychological Support:** Social workers and psychologists should be available for women survivors in public clinics and hospitals; and they should receive training on how to deal with survivors professionally and humanely; introducing medical and psychological support training and practice in the medical curricula in nursing centers, faculties of medicine and social work, and schools and social service institutions.

**State Institutions:** This includes the Ministry of Interior and police members who must be trained on how to professionally and humanely deal with women survivors; ensuring the speedy filing and submission of police reports to the prosecution; helping women survivors draft reports in different police stations, as well as training officers and police on dealing professionally with women survivors; preventing members of the police force from committing offenses against women, and prosecuting those who do. Additionally, the National Council for Women (NCW) must swiftly set and adopt a National Strategy to fight violence against women, in consultation with feminist organizations and groups. This must also include providing training to male and female lawyers working within the offices of the NCW in all of the governorates of Egypt in matters of criminal litigation process. Shelter houses must also be provided for women survivors of sexual crimes perpetrated by family members, in addition to legal protection. This requires training the staff involved on how to deal professionally with women survivors.

**Awareness:** The state should support youth initiatives, consisting of men and women, to carry out their awareness activities on sexual violence in all the governorates of Egypt and abstain from resorting to the implementation of the law on peaceful protests and rallies against them in their activities in the Egyptian streets. The Ministry of Education should integrate information on sexual violence in the curricula and set up committees to counter such crimes in schools and universities, and to implement clear policies related to these crimes. In this same context, state family planning and reproductive health centers in all provinces and villages in Egypt must raise awareness among women on sexual violence as a crime and discuss places where they can get medical, psychological, and legal support, if needed. Offenses related to sexual violence, in their comprehensive definition, should be integrated into the Egyptian Penal Code curricula in law schools, in addition to the procedures to be undertaken during litigation and investigations.

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# Syrian Women Refugees Facing Exploitation and Harassment

**Saada Allaw**

The whole world was way too small to contain the joy of Abu Ghassan when he was contacted by a rich sheikh, seeking his assistance to distribute aid to displaced Syrians in one of the Lebanese regions. Abu Ghassan is well-known among a large segment of the destitute displaced population who hardly receive any assistance. Abu Ghassan works hard to find people to help those destitute refugees and direct them to organizations and centers that provide services for refugees; he also collects money from benefactors to distribute among the refugees.

Abu Ghassan explained to the “generous benefactor” the tragic situation of the Syrian families, and started preparing a file containing all the information the sheikh requested. The sheikh, whose name, phone number, and photograph were kept anonymous by Abu Ghassan, explained that he wanted to help single mothers and widowed women who were heads of households because according to him: “they were poor women who have no one”. Abu Ghassan sent the sheikh details on the situation of around 20 families that were headed by widowed women or by women whose husbands stayed behind to fight in Syria. Upon receiving the information, the sheikh asked for photographs of the women with their children. To justify his request he explained that he wanted to show the photographs to wealthy people in the Gulf who could sponsor one or two families, “each according to his abilities”.

Abu Ghassan accepted to do so and persuaded the women to comply after explaining to them the necessity of photographing them with their children. He then sent the photos to the sheikh. Two days later, Abu Ghassan received the promised call and this time from a Lebanese mobile phone number. Abu Ghassan assumed the sheikh had arrived “and he had the money and the solution to the problem of these poor families”. First, the sheikh asked to pay a quick visit to the families, and gave Abu Ghassan a large sum of money, enough to pay the rents of about 20 families for one month, and he expressed the desire to inquire into their situation himself.

Abu Ghassan felt that “something smelled fishy”. He noticed that the sheikh spent a long time in the houses or tents of pretty widows or other young women, but hardly any time in the houses of older women or those “whose looks didn’t appeal to him”, as the man put it. The sheikh was also keen on establishing direct communication with the women.

One day passed... two days passed... Abu Ghassan's phone did not ring. He said to himself, "perhaps the sheikh is waiting for the funds to be transferred from the Gulf; he will call afterwards". But the call came from the least expected. Crying over the phone, one of the widows called and asked Abu Ghassan to come immediately to her house. She informed him that the sheikh returned alone to her house offering to rent out a decent apartment for her and her children and to take it upon himself to provide for her and take care of her five children in return for an "external secret marriage contract". Another woman also recounted a similar story. He learned, also, that a widow had disappeared with her daughter aged 13 years: "She went with the sheikh", said one of her neighbors. The same neighbor then added that the girl ran away from her mother's apartment after one month because her mother was not content to have a relationship with the sheikh, but instead made her daughter marry him (temporary marriage contract). The neighbor goes on to explain that "the poor girl", "the child bride" is now a "street girl". Abu Ghassan says he followed up on the issue of the sheikh carefully and learned that many women accepted his offer. He was certain that the sheikh was still on Lebanese territory "and perhaps other men from his country have ganged up with him".

### Displaced Women Outnumber Displaced Men

The suffering of displaced Syrian women is no secret or discovery. The figures of those registered with the United Nations High Commissioner for Refugees (UNHCR) indicate that the percentage of displaced women is higher than that of men. Simultaneously, the majority of war victims in Syria are men, and men are the fuel of the ongoing war there on both sides. Furthermore, the percentage of displaced males who belong to the age group ranging between one day and 17 years (i.e., children) exceeds 65 percent, while those aged 18 years and above, do not exceed 50,000 out of 450,000 males who are displaced, and registered or in the process of being registered. These numbers indicate that women are the ones who are shouldering the greatest responsibility, not to mention that some of these women, according to the report of international organizations, endure all types of violence namely military, physical, sexual, economic, and societal. For example, there are confirmed cases of rape, and the legalization of their treatment as slaves "*sabaya*" as per the *fatwas* of radical religious clerics. The media and the international community documented assaults on women in Jordanian and Turkish camps causing further conflict. For instance, following the rape of a displaced girl in Zaatari refugee camp in Jordan, clashes broke out between the Jordanian security personnel and some of the displaced men.

In the midst of this violence, the pain endured by Syrian women is hundredfold. They are the mothers, sisters, wives, and daughters who are deprived of or have lost their men on both sides of the conflict. They are used as a weapon of war by men to "humiliate" one another through rape or enslavement. These women are also victims of the humiliated and battered men, who let out their frustrations on them.

Women are the ones responsible for the livelihood and protection of their families, whether they were living in Syria, displaced, or in the countryside on the borders between Syria and Lebanon living in dangerous and sometimes fatal conditions. It can be argued that Syrian women, with their children, are paying a high price for what is currently happening in Syria.

## Wives...for Sale

“God bestowed his blessings upon your friend by granting him a beautiful and satisfying wife, don’t you want one?” one of the sheikhs asked a 30-year-old man married for four years. The young man was struck by this question and did not take it seriously, until the sheikh added that, “she would not cost you more than one hundred fifty dollars”. Disclosing our research identity, we asked the sheikh, imam of one of the mosques affiliated with an Islamic association, about the veracity of this information, he confirmed that such marriages that were arranged by him, indeed occurred: “I do not look for them, they come to us”.

The sheikh asks about “the age, and the confession” of the man who seeks a wife. He refuses a groom from a different confession presuming that, “Syrian girls shall not be married to believers of other sects; you cannot trust them: some of them sanction temporary marriage (*zawaj al mutaa*)”.

He explains that “dowry is normal and legitimate”, but he does not specify its amount, as “it depends on the case”. He denies that Syrian families “are selling their daughters”, but concedes that, “living conditions are hard for people, and marriages are concluded in accordance with the Holy Book of Allah and the Sunna of His Prophet”.

The imam of the mosque, who is around 35 years, promises to find a Syrian bride suitable for a 60-year old man: “There are widows, women with children, but a young single girl is a bit hard to find for someone his age; we can find him a woman in her forties”, he explains. He also gives an example confirming his words: “There is a young man, in his thirties, who proposed to a 15-year-old girl who rejected him, so there is no chance she would accept to marry a 60-year old man; the age difference is huge”. The sheikh is not the first, nor the only one to believe he is contributing to “preserving the honor of Syrian women and girls”. There is a list of mosques in different areas of Lebanon where the imams undertake a similar task.

But what is dreaded in this case is not the “arrangement” of marriages, under the pretext of “virtue preservation”, but rather the danger that lies in marrying off underage girls, and with the acceptance by some families of money, “as a price for their daughters”, as dowry. Polygamy has become too easy and cheap. The Mufti of one of the regions declared that he had sent a circular to the sheikhs within the scope of his authority “prohibiting them from holding marriages for girls under the age of 16 years”. However, he confirmed the conclusion of about 20 marriage contracts every month among the Syrians themselves, and between Syrian women and Lebanese men. The Mufti noted that most of the contracts lacked the necessary paperwork to allow their confirmation in religious courts, “as it is impossible for some people to get the supporting documents and identity cards because of the events in Syria”. The Mufti anticipates many social problems because of this, starting with the fate of the children born of these unions and safeguarding the legal rights of the wives. For example, there are countless cases of pregnant women or women who have recently given birth, having no evidence of the father’s identity, “Therefore”, says the Mufti, “we cannot verify the identity of the father, or his actual existence”. Some security reports show that a significant part of the prostitution networks begin with “pimp marriage”, involving marriage to young girls in exchange for money; soon afterwards the girls are forced into prostitution.

It is to be noted that heads of some municipalities hosting large numbers of displaced Syrian women affirm the remarkable increase in the rates of prostitution in their municipal zone, to the extent that it was necessary to hold special meetings to discuss ways to combat the situation.

### **Cheaper than Maids**

The lady waiting for her turn in front of an international organization did not want to participate in the ongoing talk about marrying Syrian girls, even though she was eavesdropping on the conversation. It is just a matter of moments before her neighbor asks her to relate what happened to her daughter. "Leave me alone", she said. Then the neighbor started speaking, telling the story of Um Samer (a pseudonym) who fled Syria with her husband and eight children. The husband was seriously injured during the war enough to disable his right hand and semi-paralyze the other. The family lives in a tent in the plains adjacent to Lebanese residential areas.

The mother and the three girls, the eldest of whom is 22 years old, harvest vegetables and sometimes clean houses for a living. One day, a lady stopped her on the road and asked her directly: "May the name of Allah protect you, are you willing to marry any of your young daughters?"

After a lengthy discussion, the lady said that she lived with her crippled son in a neighborhood far from the tents area, and she wanted him to marry a "decent and not demanding young girl". They concluded an agreement, consisting, among other things, of paying three million Lebanese pounds as a dowry to the family. One week after the marriage, the Ethiopian maid who had been serving the groom and his mother was deported: "It means that my daughter has replaced the maid", lamented the lady.

A lady carrying a nursing baby in her arms appeared to be in her forties. She was looking for a room to rent or to work as a caretaker in a building: "I just want a place to shelter me and the children". Ten months ago, the lady and her five children were displaced from Maarrat el Noaman, following the death of her husband in the battles that took place there. Her husband fell as a martyr with the Free Syrian Army. Accordingly, she seeks refuge in an area in Lebanon that is supportive of the Syrian Revolution. A farm owner suggested to her eldest son, aged 16 years, to work on his farm, and told him there was a room with annexes where he could live with his mother and siblings. He did not hide the fact that there was a Syrian worker living in that room. However, he assured him that the latter would leave in a week, and that in any case, he would not be sleeping with the family in the same room but "in a nearby shack". The lady agreed to go with her son for she was tired of searching for a shelter.

The Syrian worker did not leave a week later as the employer had promised her son; instead, he started sharing the bathroom with them. They also had to allow him to bathe daily in the same bathroom. The worker had an eye on the lady's daughter who was not yet 15 years old, and he asked to marry her.

The girl and her family refused categorically: "We don't know his origins, how would I let him marry my daughter?" Over and above that, the employer himself came to her one day, when her son was in the field, offering her a temporary marriage contract,

explaining that “there is nothing wrong with that; this is a legitimate contract and it is not prohibited (*haram*)”. Her next-door neighbor laughed and made fun of her, saying “You deserve it, what took you to the Shi’a?” The lady looked at her neighbor with tearful eyes, “Do you think that Sunnis or Christians are any better?”

The owner of the shop located near the farm asked her to conclude a temporary marriage (*misyar*) or customary marriage (*urfi*) contract with him. Similarly, she maintains that a Christian man working at a relief organization promised to provide her with food aid if she agreed to have sex with him. The lady is now suffering from the advances of these men: “Who do they think they are? I swear I am still mourning my husband’s death”, she says, her tears washing her face.

The Syrian worker started to instigate trouble with her son and refused to leave, insisting on sharing the bathroom and kitchen with them, pursuing his repeated attempts to entrap the daughter. In parallel, the employer did not tire of trying to lure the mother with the offer of a “temporary marriage”, coupled with promises to “bury poverty”. As for the shop-owner, she stopped buying her necessities from his shop, while the generous relief worker removed her from the list of needy families. The lady maintains that what happened to her only increased her determination to confront everyone: “They have to understand that people have dignity!” And for her to preserve her dignity, she has never missed an opportunity to work in agriculture or domestic service, in return for an allowance not exceeding 3,000 L.L. (US \$2) per hour of cleaning, and 1,500 L.L. (US \$1) in picking vegetables. The only condition is “to be accompanied by my daughter to protect her from the man who insists on marrying her no matter the price”.

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# Gender-Based Violence:

## Ambitious Laws Versus Bitter Reality The Case of Iraq

**Fahima Rzaij**

### **Introduction**

Nowadays, women's role in society is getting more and more recognized, due to an increasing concern with women's issues that has taken a new dimension, involving government institutions and legislative bodies. Therefore, women's rights can no longer be considered matters of mere national concern since they have acquired far reaching transnational implications compelling governments to take ineluctable decisions as part of their commitment to the international human rights conventions and treaties.

The traditional and modern attitudes vis-à-vis women's rights issues are quite antagonistic. The past is so loaded with deeply-rooted, retrograde, religiously and morally sanctioned traditions that consider women inferior and powerless creatures, while modern times are permeated by a new reformist vision of life. Thus, tackling women's rights issues today puts the country on the path to modernity and development. So women's rights violations that we are facing on a daily basis are deeply anchored in the past. Gender-based abuses are rooted in women's conscious and subconscious mind which is part of the collective mind that has conferred upon these retrograde practices a sacred value.

Each international declaration, treaty or convention that has addressed women's rights issues constitutes a big step forward, which is also reflected in new legislations at the national level. This is quite true in the case of Iraq: the 2005 constitution endorsed positive discrimination by ratifying the quota systems, defining the strategy to combat violence against women, and establishing the Ministry of Women's Affairs. However, nothing of the above shall have any direct or significant effect unless it echoes in women's collective consciousness.

### **Gender-Based Violence<sup>1</sup> in the International Forums**

Gender-based violence stems from a discriminatory standpoint that violates the one indivisible whole of human rights by an irrational logic which assigns to women an inferior status, in contradiction to the universal principles of human rights. It is common knowledge that the general principles of human rights are the result of the agonies generated by wars and conflicts over the origins of life and existence which justified the rise of different theories such as Malthusianism, Darwinism, and other

ethnic segregation theories. And it is in a such context, as a result of two World Wars and tens of other conflicts, that the 1945 Charter of San Francisco was signed, as well as the 1948 Universal Declaration of Human Rights, that stressed on equal rights for men and women, followed in 1966 by two international covenants, the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). All these treaties have reaffirmed the principle of gender equality without however tackling issues pertaining to gender-based violence.

The United Nations Development Fund for Women (UNIFEM), established in 1976, was the first international agency dedicated to women's issues. The International Decade on Women (1975-1985), witnessed the enactment of the most important international document to fight gender-based discrimination: the 1979 Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), which became effective in 1981.<sup>2</sup> Although CEDAW did not exclusively address the issue of violence, the interpretation of its articles and the recommendations of the follow-up committee specified that gender-based violence is a form of discrimination that constitutes a serious impediment to women's ability to enjoy their rights and freedom on an equal basis with men<sup>3</sup>

Thus gender-based violence became part of the general international concern with human rights' issues. Therefore, the Nairobi Forward-Looking Strategies for the Advancement of Women was considered a qualitative leap forward. And until 2000, the main focus of the Strategies was on eight issues, two of which are gender-based violence and the impact of armed conflict on women, particularly the situation of women under occupation, as well as the situation of female refugees, displaced, and returnees. Actually, two major events occurred between the Nairobi Conference in 1985 and the year 2000: the Vienna Conference on Human Rights, and the United Nations' adoption of the Declaration on the Elimination of Violence Against Women (DEVAW) in 1993, which are considered to be the first explicit and direct initiatives to address the problem of gender-based violence defined in the Declaration as:

Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

According to this definition, violence is not solely limited to the commonly known physical harm, but is rather multifaceted. The second important event is the Fourth World Conference on Women held in Beijing in September 1995. It was attended by representatives from 185 states. Participants set an agenda of 12 crucial issues in the Platform for Action, including violence against women, women and armed conflicts, the female child, and other topics directly related to women's rights. This conference was the end result of years of hard work in order to form an international body dedicated to combat gender discrimination and violence. In 2000, a session was held at the United Nations under the title Beijing +5, with the intention of holding another major international conference under the title Beijing +10, but the United Nations replaced it with mini-conferences for review and evaluation purposes.

The international community made huge efforts, especially during the last quarter of the twentieth century, to reduce gender-based violence. Women themselves have exerted continuous efforts in the same direction. This is an important indication of women's increasing awareness of their rights and a reflection of the positive image they have about themselves. These are important factors when it comes to making radical changes in society.

Non-governmental organizations also played a significant role in coordinating, developing, and guiding men's and women's efforts. They were also instrumental in lobbying in favor of eliminating gender-based segregation, given that men and women are partners in the construction of a world free from oppression, marginalization, and exclusion.<sup>4</sup> In fact, civil society organizations have played a crucial role in overseeing and combating systems of values and norms that justify or generate violence. In this context, international efforts have succeeded in building national and global public opinion that maintain that gender issues are in fact universal issues particularly when these issues started to become more visible in human development reports. The first 1990 report started assessing a country's development in relation to its gender-based achievements. Hence, gender-based violence was to be dealt with on par with key social issues such as poverty, exclusion, marginalization, education, healthcare, social work, family planning, securing livelihood, marriage, civic education, etc. This means that gender-based abuse was and still is a serious and vital component of problems faced by any society.

It has been proven, development wise, that societies can achieve their objectives and prosper only if its men and women worked together. That being the case, growth is associated with improving women's status, in terms of education, employment, healthcare, curbing childbirth mortality rates, as well as boosting women's political participation and their increasing contribution to major decision-making strategies as well as to conflict resolution and peace-building issues.

In spite of all these efforts, there is still a huge gap between the ambitious international resolutions and their implementation. In fact, states may ratify conventions and covenants; their representatives may attend conferences and seminars; some laws may be enacted and other ones amended, but the end result is not success. Thus, one can say that the merits of laws are judged by their effective implementation otherwise they remain in the realm of good intentions. The reason behind this failure lies in traditionalist attitudes that consider such international treaties and conventions as threats to society's stability as well as to its moral and spiritual values. Traditionalists follow a conservative and rigid rationale quite antagonistic to the international modern one. Although they lack strong arguments, the traditionalists' influence on societies is tremendous. This is quite true because positive changes in women's lives are more felt in urban areas rather than in the rural ones, where ignorance and erroneous interpretations of the religious and moral principles enhance the prevailing traditionalist trend, where gender-based discrimination, including violence, are an acceptable routine.

This culture of gender-discrimination is also fostered by dictatorship systems of governance that abuse women's rights issues using them as a façade or false display to mask and bolster their image, giving lip service to women's liberation slogans while pursuing their persecution policies. These political systems are no more than an

extension of the harsh patriarchal authority, be it in the private or public spheres, at school, or in the workplace.

By the same token, societies living under dictatorship tend to be zones of wars and conflicts, where the cult of the leaders' personality is paramount. In such contexts, women's rights are not priority concerns. Even worse, women who are the most vulnerable creatures, become scapegoats paying the price of these conflicts. As a matter of fact, although they might not fight on the front lines, women are warriors' wives or mothers. In case of loss or injury in the battlefield, they become widows, caretakers for orphans and the disabled members of their family, or the sole breadwinners.

Globalization, along with the catastrophic consequences of wars and the drastic economic transformations where markets are governed by cut-throat competition and uneven relationships are prejudicial to women. Hence, women end up as victims of exploitation, unemployment, or forced marriages in countries where weak governance, widespread corruption, weak mechanisms fostering women's empowerment and little protection measures prevail.

Theoretically speaking, international bodies may boost great cultural and humanitarian values. However, what has been achieved so far does not even meet the expectations mainly in conflict-afflicted societies, where women's rights are violated due to poor formal and informal regulation measures, or even totally non-existing ones.

## **From the International Context to the Domestic One: Debating Gender Discrimination and Equality**

### **A Historical Review**

The Iraqi case is quite paradoxical. As a matter of fact, the ancient history of Mesopotamia reveals that women enjoyed a privileged status, especially with respect to legislations where the Codes of Hammurabi, Lipit-Ishtar, and Ur-Nammu were fair to women at a time when laws of the jungle and those of war were the prevailing ones. These great ancient times also show that the female idol represented by the goddess Ishtar (or Inanna) was a manifestation of growth and love, as well as an expression of power, Ishtar representing simultaneously the goddess of love and war. This contradiction has subsisted in the collective unconscious mind until today. Although Islam has prohibited some of the widely spread harmful practices that were inflicted on women, such as female infanticide and prostitution,<sup>5</sup> the patriarchal nature of society prevailed with the advent of civilization. Although some women were exceptional, female slavery became part of power relations, and slaves were a commodity displayed in the marketplace to be auctioned off. The 1001 Arabian Nights stories are good illustrations of these gender-segregated practices. By carefully studying the evolution of the Iraqi society, one notes the deterioration of women's conditions throughout these gloomy centuries of darkness, where women's poor conditions are a mere reflection of the poverty of the society as a whole.<sup>6</sup>

In 1921, the Iraqi State was officially established. The first Iraqi Constitution (1925), did not provide for the elimination of gender-based discrimination, although Article VI of the constitution stipulated that all Iraqi citizens are equal, regardless of race, religion, and language.<sup>7</sup>

According to this principle the Iraqi State enshrined the notion of citizenship through education, employment, health, and social services. As a result, the education of girls improved both qualitatively and quantitatively. Similarly, women's right to work was institutionalized for the first time in the 1936 Labor Code (Article 2), providing for gender equality in terms of working hours and wages. And it was under the British mandate that the first Health Directorate was established in Baghdad, and the scope of health services for women branched out and widened, especially after the Ministry of Health was established, and then restructured in 1952.<sup>8</sup> Similarly, since the establishment of the Ministry of Labor and Social Affairs in the 1930s, and the Directorate for Social Services in 1952, social security benefits were boosted with the creation of development centers in poor neighborhoods, the enactment of the 1980 Social Welfare Act No.126, the opening of orphanages, retirement homes for the elderly, clinics for the disabled, and other care centers, and the creation of the Social Protection Network (2006).

In this context, women's presence gained in visibility. As a matter of fact, women became active in the magazine publication business and women's magazines such as *Leila* which emerged in 1923 and *al-Mar'aa al-Haditha* in 1936. Also, women's joint efforts led to the opening of the first feminist club called *Nadi an-Nahda an-Nassawiyya* (The Feminist Renaissance Club) in 1924; the women's section of the Red Crescent in 1933; *Jam'iyyat Mukafahat al-I'lal al-Ijtimai'yya* (the Association for the Prevention of Social Ills) in 1937; and the Anti-Nazi Association in 1943. In 1945, the Iraqi Women's Union was created upon the recommendation of the Cairo Arab Women's Union Conference, as a proof that Iraqi women measure up to the standards of their other Arab counterparts (it is worth mentioning here that in 1930 the first Iraqi women delegation attended the Congress of Oriental Women in Damascus). Iraqi women gained their voting right in 1958, upon pressure by the feminists.<sup>9</sup>

The promulgation of significant laws also helped Iraqi women gain more rights, such as the 1980 Social Welfare Act No. 126, the Free Education Law of 1974, the Compulsory Literacy Law of 1978, as well as the restrictions placed on polygamy and the consecration of women's right to custody in case of divorce.

Unfortunately, these successful achievements suffered serious setbacks and each and every step taken on the path to success was systematically thwarted. Since 1980 and the beginning of the Iran-Iraq conflict, the countdown started as far as women's achievements and the whole development process were concerned. Things worsened with the beginning of the economic blockade on Iraq in 1989, in addition to the endless wars and conflicts that Iraq suffered. Expenditures on education, health care, and social welfare were scaled down, and the burden placed on women was exacerbated while the men were in the battlefield, not to mention the mounting problems of poverty, unemployment and marginalization, the drop in school and college enrollment rates, and the increasing maternal mortality rates.<sup>10</sup>

### Confronting Violence

There are many similarities between the ordeals of Iraq as a whole and those incumbent on its women. It sums up a tragic reality whereby women became the

breadwinners of the family instead of the absent males. Although the price that was paid was high, nevertheless it was a test to women's capabilities and the courageous choices they made. Today, this experience persists with the mounting violence that is still ravaging the country due to the terrorist attacks. Violence against Iraqi women has increased, in parallel to the increasing wave of violence that society in general is facing. Actually, it is women, children, and the elderly that constitute the first victims in communities torn by war and civil strife. The 2008 National Human Development Report indicates that the uninterrupted spiral of violence overlaps with the deeply rooted gender-based violence already existing in society. The social tension in Iraq has affected family and interpersonal relationships. So it is not religion, but rather the ancient inherited set of cultural beliefs and ideas that lie behind the stereotypes inherently anchored in the collective mind that confers on women this status of inferiority.<sup>11</sup>

Studies have revealed that gender-based violence due to domestic abuse are not only affecting women, by shaking their own self-image and self-esteem and their relationships with others, but are affecting the children too. A governmental survey conducted in Iraq on a sample of 15-49 year-old married women, revealed that 83.1 percent of the respondents declared that they have suffered from some form of conjugal harassment, a great deal of that was due to jealousy or frustration. While 51 percent of husbands insisted on knowing their wives' whereabouts all the time, 63.3 percent of the respondents had to ask their husband's permission before seeking health care. The highest rates of controlling persons were found in Kurdistan; and it seems that the younger the women, the more likely they seem to suffer from most types of controlling behavior.

Also, it has been revealed that women suffer from conjugal harassment irrespective of their educational level, in the sense that the wife's degrees do not grant her immunity from violence. Over and above, there are no clear cut disparities between rural and urban areas, which means that the controlling behavior is there, no matter the milieu.<sup>12</sup>

The study also revealed that one-third of the female respondents experienced at least one form of psychological abuse: 22.3 percent were subjected to scorn and insults, 21.7 percent to public humiliation, and 21.7 percent suffered from intimidation and psychological abuse. In Kurdistan, 17.6 percent experienced psychological abuse, compared to 35.7 percent in the southern and central provinces, while 21.2 percent of the respondents admitted that they have been suffering from physical abuse for the past 12 months.

Another survey conducted on a sample of 250 women showed that 37.6 percent of them had been subjected to physical abuse, 28.8 percent to health-related abuse, 16.8 percent to financial abuse, 11.6 percent to verbal violence, and 5.2 percent to sexual abuse. Another study conducted on a sample of 300 battered women filing lawsuits against their husbands in the personal status courts revealed that a great number of them (36.7 percent) suffered from physical abuse, 14.7 percent suffered from economic or financial exploitation, and 23 percent experienced multiple forms of abuse.<sup>13</sup>

## Origins of Gender-Based Violence

Gender-based violence is associated with many of the problems facing family and society as a whole, on top of which comes poverty. The survey data shows that 71 percent of the respondents' families' earnings are less than the barely required minimum, whereas 43.6 percent have a low income, and 17.2 percent have no income at all.

Women's poverty is linked, at least partially, to their unemployment or to their low-paying jobs. A job market survey revealed that unemployment rates of females aged 15 years and above is 19.64 percent compared to 14.3 percent for males, where the highest rates of female unemployment were found in the Governorate of Baghdad.<sup>14</sup>

Many a factor lies behind women's unemployment: poor work experience and low job qualification standards, limited job opportunities, especially in the private sector, and for some women a total lack of any work motivation.<sup>15</sup> Women's unemployment is likely to increase their reliance on their husbands or on the extended family. Sometimes, soaring economic conditions compel them to work in hostile environments such as in brick plants where they get half the men's wage, or picking dates, a sector where women account for about 70 percent of the labor force.<sup>16</sup>

Early child marriage is another additional problem associated with poverty, with related issues such as child trafficking or sexual abuse, and their serious physical, psychological, and demographic consequences. Also, the unequal access to resources is another issue, because generally speaking, women own less financial assets compared to men, and therefore, female-led households (about 11%) have fewer assets than those led by men.<sup>17</sup>

## Social Transformations and Gender-Based Violence

In the past few years, the Iraqi society has witnessed many crises marked by violence and conflict, which have created a favorable environment for a mounting multiform gender-based violence. Due to terrorist attacks, women had to face death, disability, and widowhood. Another consequence of this reign of terror is the restriction of women and girls' mobility,<sup>18</sup> particularly in Baghdad,<sup>19</sup> as well as a limited access to health care centers, consequently, increasing maternal mortality rates. Also, Iraqi women had to endure migration and forced displacement, as well as the hardship of widowhood,<sup>20</sup> orphanhood, rape and/or abduction for ransom, not to mention the devastating consequences of the environmental pollution, and the need for safe drinking water, electricity, proper sewage systems, and the deterioration of the educational system. In addition to these contingent contributing factors, the major factor that exacerbates the various forms of gender-based violence, is the traditional culture. This is obvious in the survey that targeted young men who commonly believed to be the main agents of social change.

Table showing<sup>21</sup> Percentage of young (10-30 y) males and females' approving of certain commonly held beliefs (2009)

The Belief	Males	Females
1. Women are men's equals	63.3 %	74.8 %
2. Women shall seek the permission of their custodian upon undertaking any work	92.1 %	92.3 %
3. A husband may beat his disobedient wife	50.1 %	26.3 %
4. If her custodian so wishes, a girl shall marry her kin	46.5 %	34.2 %
5. Women are not capable of taking any decision whether on the personal level or concerning their families	35.9 %	25.6 %
6. Families should place greater restrictions on girls rather than boys	71.9 %	58.1 %

These figures are an indicator of gender-based discriminatory attitude. Strikingly enough, a significant percentage (25 percent) of women respondents do approve of the husbands' violent behavior vis-à-vis their wives. The KAP2 survey shows that 57 percent of young male respondents are convinced of the right for the husband to beat his wife if she disobeys his orders, (50 percent of the females agreed with this statement) and 57 percent of the young male respondents also agreed that women are inferior to men.<sup>22</sup>

### Actions Taken in Favor of Women

Cultural stereotypes have played a significant role in justifying gender-based violence<sup>23</sup> so much so that all the achievements accomplished to the advantage of Iraqi women ended by reinforcing the patriarchal society and its masculine authority. By the same token, wars and conflicts promoted this authoritarianism, so that security issues such as terrorist attacks and domestic violence affected women as well, isolating them from public life, depriving them of their rights to education, health care, and social welfare. According to World Bank reports, women were not encouraged to join the labor force in the 1970's, since the soaring rise in wages facilitated the one household one income option, enabling men to be the sole financial providers of the family. The rate of women's participation in the labor force today has also declined with the advent of the economic recession, unemployment, and decreasing salaries.<sup>24</sup>

Moreover, the deterioration of security and economic conditions have consolidated the patriarchal authority with all its underlying layers of violence. Thus one can say that the traditional gender-based discriminatory cultural stereotypes remain deeply rooted in Iraqi society. Because of their inferior status within the family particularly with respect to decision-making, women have suffered from physical abuse, beating, rape, and murder. Women also suffer from other forms of gender-based practices, such as female genital mutilation and early marriage, with high rates of pregnancy, divorce and inaptitude in bringing up children.

Based on the above, gender-based violence has taken many forms ranging from discriminatory behaviors, to rape, kidnapping, or sexual harassment. Consequently, and in light of women's suffering from marginalization and the violation of their rights, further efforts should be made by the Iraqi government and international organizations. The already ratified international resolutions on women must be

implemented, and the efforts of the feminist civil society organizations should be enhanced as well. On April 1, 2014, and as a move of the Iraqi government in support of women, the Cabinet approved a National Action Plan (NAP) for Security Council Resolution 1325 (2014), which was submitted by the Ministry of the State for Women's Affairs, making of Iraq the first country in the MENA region to adopt a NAP to activate this resolution.

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## ENDNOTES

1. In Arabic, the meaning of violence is almost always confined to physical harm, although it might be associated with taunting, that is similar to shaming or blaming. However, the concept, as per the definition of Webster's Dictionary, goes beyond the use of force and physical abuse to the unjust use of power, the rejection of the other, and the deprivation of rights. See al-Katergi, N. (2006), p.369.
2. Iraq ratified CEDAW in 1986, and the Convention on the Rights of the Child in 1994. It joined the International Covenant on Economic, Social and Cultural Rights in 1971, ratified the Nairobi Forward-looking Strategies for the Advancement of Women in 1985, and obtained a consultative status at the United Nations under the ECOSOC Resolution No. 32 for the year 1996. See Hamza (2004), p.12.
3. UN Committee on the Elimination of Discrimination Against Women (1992), General Recommendation No. 19.
4. There is no intention here to evaluate some of the feminist movements who exaggerated the women's conditions by stressing on feminism as a women-only matter without referring to men.
5. Prophet Mohamad (PBUH) said: "Women are men's sisters", and "A teacher is better than a ranter".
6. The first school for girls opened under Dawud Pacha's administration (1832-1867), while some people say that it was in 1869, and others would say that it was in 1899. The second school was not opened until 1913.
7. Article 9 of the Interim Constitution of 1958, Article 19 of the Interim Constitution of 1963, Article 21 of the Interim Constitution of 1968 and Article 19 / A of the Interim Constitution of 1970. This was mentioned generally in Article 38 / I of the 1991 Constitution. Preventing discrimination or refraining from discrimination were mentioned in Article 12 of the Iraqi State Administration Law in Article 14 of the 2005 Constitution. This Constitution also prohibited in Article 35 / c all kinds of psychological and physical torture, as well as inhumane treatment. See: Al- Khayun & Mohammed, (2006).
8. See Der Hagopian (1981), n.p. It was the opening of Teachers' Training Institute in 1923 that was behind women getting their first paid job. See: COSIT (2004) Iraq Living Conditions Survey.
9. For information see al-Hamdani (1989) , p. 75.
10. See: Hamza (2004) ,n.p.
11. Government of Iraq. (2009). The National Report on Human Development, 2008, p.164.
12. Ministry of Health Iraq, (2007). Iraq Family Health Survey Report, pp. 27-28.
13. Mohammed, A. (2007), p.167 & 173, and al-Kwak, M.S.(2004), pp.104-105.
14. Central Statistical Organization. Iraq. (2009), pp. 6-8.
15. For example, the number of unemployed people registered in employment offices affiliated to the Ministry of Labour and Social Affairs until 30/11/2009 was 1,547,687 unemployed, out of whom 122,193 were female.
16. The Ministry of Human Rights, Women's Rights Section ( 2009), p. 15
17. Government of Iraq (2009), p.161. On early marriage, see: Hamza (2011), and the COSIT (2006a), p.163.
18. American Bar Association (2006), p. 192
19. UNICEF (2007), pp. 88-90
20. Official data for 2007 showed that 30.2% of households have members who were exposed to the risk of violence and terrorism, and 67.9% of the households imposed social restrictions on women because of violence See: Government of Iraq, (2009), p. 200. It is noted that there are contradictory figures concerning the number of widows, see: Yassin (2008), p. 38. A survey showed that 6% of children in the age group 0-17 years are orphans. See: COSIT (2006b), p. 81.

21. Central Statistical Organization. Iraq. (2009), p.33.

22. Central Statistical Organization. Iraq. (2005), pp. 12-13

23. The preamble to the Declaration on the Elimination of Violence against Women (1993) has pointed out that such violence is a manifestation of unequal power relations between men and women throughout history. The fourth article of the Declaration emphasized that no customs, tradition or religious consideration can be invoked to avoid the commitment of Member States to eliminate violence. It can be added here that traditions often prevent battered women from submitting their cases to the courts, or governmental and non-governmental bodies. In 2008, according to the Annual Report issued by the Ministry of Human Rights and forensic medicine statistics, female victims of violence who have their cases officially recorded are 580 cases; the city of Ba'aquba registered the highest percentage of the total cases at 22%.

24. Central Statistical Organization. Iraq. (2007), Iraq Living Conditions Survey, p.107.

On early marriage, see Hamza (2011), and the Central Statistical Organization. Iraq. (2006a, p. 163).

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# Protection of Women from Domestic Violence Under

## “The Bill for the Protection of Women and Family Members Against Domestic Violence”

**Marie-Rose Zalzal**

### **Introduction**

Violence against women is directly linked to the historic discrimination against them. It is an expression of the gendered imbalance of power that has resulted in a gap intensified by the existing legal, social, and cultural institutions. Eliminating gender-based violence can only be achieved by addressing gender gaps, which require the adoption of specialized policies and programs. The Lebanese government ratified the Convention on the Elimination of all Forms of Discrimination Against Women in 1996, and civil society utilizes it as a standard reference to eliminate discrimination against women from the existing legislations as well as to improve on them<sup>1</sup> in order to create a more women-friendly environment. In such a context, I refer particularly to the gap that needs to be bridged in the Lebanese legal system with respect to the protection of women from domestic violence. After the Beijing Conference and following the mock court hearings held in Beirut in 1995, which resulted in the Beirut Declaration on the Elimination of Violence Against Women, especially domestic violence, the magnitude of the phenomenon and the need to target violence against women with special interventions began to unfold. As a result, the Lebanese Council to Resist Violence against Woman (LECORVAW) was established in 1997 as a non-governmental association.

As of 2005, the Lebanese government began to give a special attention to women's issues in ministerial statements. In the statement approved in 2009, the government pledged in Article 22 that it:

... will strive to adopt an action plan to combat violence against women, including the completion of discussions about the draft law on the Protection of Women from Domestic Violence, and the elaboration of policies and legislation to combat trafficking of women and children for sexual exploitation and forced labor.

The effort to promulgate a special law to protect women from domestic violence began in 2007. The aim was to send a clear and direct message condemning violence

and to put in place effective measures to protect the victims, punish the perpetrators and compensate for the damage incurred. After public and private consultations that lasted several years, a draft of the “Act on the Protection of Women Against Domestic Violence” was prepared in 2010; and then adopted by the civil society and the Council of Ministers which submitted it as a Bill to Parliament for voting. After lengthy discussions, the law was passed in 2014 and renamed “The Bill for the Protection of Women and Family Members Against Domestic Violence”. Just a glance at the Bill shows that it did not represent a comprehensive condemnation of violence against women, and that the addition of the phrase ‘family members’ did not enhance women’s protection. Rather, it created unfortunate intersections with other laws, which could weaken the protection of women and possibly other family members.

In Section I, I will present the new concepts brought up by the law, i.e. the protective measures and amendments introduced to the Penal Code. In Section II, I will touch on the flaws in the law, which reflect the absence of political will to explicitly condemn violence against women, and the adoption of red lines that are not in the interest of the family but reveal a desire to maintain the gender gap.

### **Section I: The New Concepts Introduced by the Bill**

Protection laws in Lebanon are recent, the most important one being Law 422/2002 for the ‘Protection of Juvenile Delinquents and Endangered Juveniles’. In 2007, Kafa Association (Enough Violence and Exploitation) called upon an array of civil society organizations and specialists to work on the drafting of a law to protect women from domestic violence. A committee that included a number of judges, lawyers, and security officials, as well as specialists in sociology and psychology who had previously worked with abused women was set up. After lengthy discussions that lasted months, the committee issued an exhaustive draft law that was adopted by the Minister of Justice, Professor Ibrahim Najjar, and the Minister of Interior and Municipalities, Mr. Ziad Baroud. Once submitted to the Council of Ministers, the Bill<sup>2</sup> was subjected to some amendments, particularly Articles 3 and 26. For example, Article 3 that was added by the Legislative and Judicial Affairs Authority, enumerated the acts that must be penalized, as they constitute crimes of domestic violence with aggravated penalties. As for Article 26,<sup>3</sup> it unduly expanded the jurisdiction of religious and sectarian authorities in violation of the legal system in general which sparked a wave of protests and sharp debates that eventually led to its removal.

The Council of Ministers issued the Bill under Decree number 4116 on April 6, 2010, and submitted it to Parliament on the same date. When it was referred to Parliament and later to a sub-committee derived from the “Parliamentary Administration and Justice Committee”, the Bill created a huge uproar and much controversy.

The Bill was placed before a special sub-committee in the Parliament where a significant series of amendments were introduced. There is no doubt that the introduced amendments dealt a heavy blow to the Bill’s effectiveness. Civil society actors rejected the amendments, but they were presented with one of two possibilities. Either the sub-committee could pass the law as it was, despite its distortions, to be reconsidered by the General Assembly of the Parliament later on; or, it could remain before the sub-committee hence totally disregarded given the unduly ferocity of the

clergy's opposition. Civil society representatives and 71 deputies made an agreement, by virtue of which the deputies agreed to reconsider the draft before the General Assembly of the Parliament, and to accept the amendments. The law was passed before the Parliamentary sub-committee, and the Bill was published in the Official Gazette on April 1, 2014, without introducing the controversial amendments.

#### A. Presentation of the Articles Pertaining to Protection

The Bill consists of 23 articles relating to definitions, prerogatives, and protection procedures, as well as measures and actions that judges are entitled to take. Article 3 contains the amendment of some provisions related to women in the Penal Code.

#### Definitions

According to the Bill, the family<sup>4</sup> is defined as based on kinship ties rather than on the house as a residential unit. Under Article 2, domestic violence is defined as:

Every act of violence, abstinence or threat thereof committed by one family member against one or more members as per the definition of family, comprising one of the crimes stipulated herein, the consequences of which may cause death or physical, psychological, sexual and economical injury.

Interestingly, the Bill does not address moral violence, although this form of violence appears in other pieces of legislation and provisions.

#### Eligibility to Look into Cases of Domestic Violence:

The request to obtain a restriction order shall be filed before the relevant investigating judge or the Penal Court entrusted with the same and shall be examined in the deliberation room. The request may also be submitted before the judge in chambers to apply for summary procedures. (Article 13)

In line with Article 6 of the Bill, the victim shall also have the right to initiate proceedings in his/her temporary or permanent residence. It is worth noting in this regard that, as per this Bill, the State Prosecutor shall appoint one public attorney or more in the governorate (*mohafaza*) and entrust him/her with receiving the complaints on domestic violence and following up on them.

#### The Establishment of Competent Units within the Internal Security Forces (ISF): Article 5 of the Bill stipulates that:

A special unit on domestic violence shall be established at the Directorate General of the Internal Security Forces (ISF), shall carry tasks similar to the judiciary police, and shall examine the complaints submitted before the same and referred thereto according to the provisions of the present law.

The Unit shall be composed of women adequately trained to solve conflicts and carry social guidance. Unit members shall carry investigations in the presence of social assistants who are acquainted with domestic affairs and conflict resolution and who shall be selected from a list prepared by the Ministry of Social Affairs.

And for the first time in Lebanon, and perhaps in other countries as well, Article 8 of the Bill stipulates that:

The judiciary agent who attempts by means of coercion to force the victim of violence or exert pressure thereupon to drop charges, shall be subject to the sentence as stipulated in Article 376 of the Penal Code.

Additionally, Article 10 of the Bill stipulates that it is incumbent on the Judicial Police to:

Inform the victim with his/her right to obtain a restraining order as per Article 12 of the present law and to assign an attorney if he/she wishes to. It shall also inform the victim with all other rights stipulated in Article 47 of the CCP.

#### - Restraining Orders

Addressed in Articles 12-14, restraining orders and measures that a judge is entitled to take are the most important part of this Bill. However, although the Bill includes good protection measures, these are narrowed to the minimum in terms of implementation and subjected to constraints that may lead women to withdraw their charges.

Article 12 defines the restraining order and identifies the people who benefit from it:

A restraining order is a temporary measure made by the relevant authorities as per the provisions of the present law and in the course of examining the cases of domestic violence.

The restraining order aims at protecting the victim and his/her children. As for other descendants and persons living with him/her, they shall benefit from the restraining order where they are in danger. Social assistants, witnesses and any other person providing the victim with assistance shall, as well, benefit from the restraining order in order to prevent violence from continuing or from the threat of recurring.

Children involved de facto in the restraining order mean those children who are in the age of legal custody as per the provisions of the applicable Code on Personal Status and any other applicable laws.

#### - Narrowing the Scope of Implementation of Article 12

As far as the amendments to the Bill are concerned, the gist of the first objection lies in Article 12. On the one hand, Article 12 has brought the Code of Personal Status and 'other applicable laws' to the public sphere without specifying the nature of these laws. Also, Article 12 makes a distinction between children with respect to custody as defined by the respective Codes of Personal Status and puts the mother in a situation that will force her to inevitably withdraw her request for protection. How could she protect herself and only some of her children and leave some prone to violence pending the outcome of a trial to decide whether the restraining order covers them or not! This issue will be discussed further in Section II.

As for the temporary measures, they include the following as per Article 14 of the law: The restraining order shall compel the defendant to take one or more of the measures below:<sup>6</sup>

- Refrain from holding prejudice to the victim and other persons covered by the restriction order...
- Compel the offender to leave the house temporarily...
- Move the victim and other cohabitants outside the house when they are believed to be in danger and subject to a threat that could be the result of a continued presence in the household, and transfer them to a temporary safe and convenient place. When the victim moves out, her children who are of a legal age shall move out with her along with any other children or cohabitants at risk. The defendant shall pay the accommodation fees in advance according to his/her means.
- Compel the defendant, with due consideration of his capacities, to pay in advance an amount of money adequate to cover the fees for food, clothing, and education for dependant persons. Compel the defendant as per his/her capacities to pay the fees necessary for medical treatment or the hospitalization of the victim and other persons established in Article 12 of the present law where violence resulted in the need for therapy”

In Article 20, the Bill allows the tribunal to compel the offender to take rehabilitation sessions on violence at specialized centres.

Additionally, Article 21 stipulates that:

A special fund endowed with moral personality and financial and administrative autonomy shall be established to assist the victims of domestic violence, provide them with care and the means necessary to limit the crimes of domestic violence, prevent the same, and rehabilitate the perpetrators thereof.

### **The Scope of Implementation of the Bill on Domestic Violence**

Article 3 of the Bill includes a list of domestic violence crimes. The Bill modified some articles of the Penal Code and enumerated topics that can be considered forms of domestic violence. Article 3 reads as follows:

#### **A. Crimes of Domestic Violence Shall be Punished as Follows:**

##### **1. Article 618 of the Penal Code shall be amended as follows:**

Whoever shall incite a minor aged less than 18 years to begging shall be sentenced to a term of imprisonment of no less than six months and no more than two years and shall be subject to a fine of no less than the minimum wage and no more than double its amount.

##### **2. Article 523 of the Penal Code shall be amended as follows:**

Whoever shall instigate one person or more, male or female, that has not completed the age of 21 to engage in prostitution or corruption, and whoever shall facilitate the same by aiding or abetting, shall be sentenced to imprisonment between one month and one year and shall be subject to a fine varying between the minimum wage and three folds the same.

Shall be subject to the same sentence whoever is involved in clandestine prostitution or engages in the facilitation thereof.

Without prejudice to the provisions of Article 529 annexed to Article 506, the sentence shall be increased as per the provisions of Article 257 of the present Law

where the crime is committed within the family regardless of the age of the person against whom the crime is committed.

3. Article 527 of the Penal Code shall be amended and a new paragraph shall be added thereto as follows:

Whoever shall rely on the prostitution of a third party to gain his/her living, whether fully or partially, shall be sentenced to a term of imprisonment of no less than six months and no more than two years and shall be fined no less than the minimum wage and no more than double its amount.

Without prejudice to the provisions of Article 529 annexed to Article 506 of the present law, the sentence shall be increased where the crime involves violence or threat.

4. A new paragraph shall be added to Article 547 of the Penal Code as follows:

Whoever shall commit homicide purportedly shall be sentenced to hard labor between fifteen and twenty years. The sentence shall vary between twenty and twenty five years, where homicide is committed by one spouse against the other.

5. Article 559 of the Penal Code shall be amended as follows:

The sentences herein shall be increased as per the provisions of Article 257 where the offense is committed in one of the cases established in Paragraph two of Article 547 and in Articles 548 and 549 of the present law.

6. Articles 487, 488, and 489 of the Penal Code shall be amended as follows:

Article 487:

Any person committing adultery shall be sentenced to a term of imprisonment of no less than three months and no more than two years. The same sentence shall apply to partners in adultery where they are married; otherwise they shall be sentenced to imprisonment for no less than one month and no more than one year.

Article 488:

The spouse shall be punished to imprisonment for no less than one month and no more than one year where he/she takes a lover in public. The partner shall be subject to the same sentence.

Article 489:

- Adultery shall only be prosecuted upon the complaint of one of the spouses and where the plaintiff associates in a court action with the public prosecutor;
- Partners or accomplices shall only be prosecuted together with the adulterer;
- A complaint filed by the spouse having given his/her consent to the adultery shall be null;

- A complaint filed three months after the plaintiff became informed of the crime shall not be accepted;
- Dropping charges against the spouse results in annulling public and private actions against the offenders;
- Where the plaintiff accepts to resume life in common, charges are dropped.

7. a. Whoever shall with the intent of redeeming marital rights to intercourse or because of the same, beat the spouse or inflict harm thereto, shall be subject to one of the sentences established in Articles 554 to 559 of the Penal Code.

Where beating or harming recurs, the sanction shall be increased as per the provisions of Article 257 of the Penal Code.

Where the plaintiff drops charges, public action subject to Articles 554 and 555 of the Penal Code shall be refuted.

Provisions governing recidivism shall remain applicable, where conditions are satisfied.

7. b. Whoever shall with the intent of redeeming<sup>7</sup> marital rights to intercourse or because of the same, threaten the spouse, shall be subject to one of the sentences established in Articles 573 to 578 of the Penal Code.

Where threat recurs, the sanction shall be increased as per the provisions of Article 257 of the Penal Code.

Where the plaintiff drops charges, public action subject to Articles 577 and 578 of the Penal Code shall be refuted. Provisions governing recidivism shall remain applicable, where conditions are satisfied.

### **The Need to Put in Place a Clear and Unambiguous Draft**

The amended clauses of Article 3 of the Penal Code constitute only a part of the demands of civil society, but the Bill does not amend Article 522<sup>b</sup> et seq., which halts the prosecution of an offender who agrees to marry the woman he has raped. The Bill remains silent on many other forms of abuses occurring within the family, including beatings and other forms of physical abuse that may lead, if not prevented, to murder. Manal's husband used to beat her constantly, and he continued to do so, unpunished, until Manal's death due to a lack of a law protecting her. Rola's husband too used to beat her until he killed her with no possibility whatsoever for her to secure any protection measures. This is the case of Latifa, Amina, Rokaya, Crystelle, and many, many other women who were killed because of the intolerable violence they suffered from. The Bill also remains silent on other forms of violence like deprivation of freedom, slander, defamation, and intimidation, and these usually go along with physical abuse, all of which are ignored in the Bill.

### **Section II: The Pitfalls and Flaws of the Bill**

It is clear that the Bill is the result of multiple compromises. Whereas the government committed to protecting women from domestic violence in its ministerial statement and unanimously approved the Bill and transferred it to Parliament, it was Parliament

that put incremental limitations on the protection of women under the pretext of protecting other family members. Despite some appropriate procedures and measures introduced by the lawmakers, they did not hesitate to insert articles that weaken the protection of women and undermine the legal system and its cohesion. This was the reason behind the reservations made vis-à-vis the Bill, especially emanating from those who followed its drafting or participated in it.

Several reasons justify the reservations made to the Bill, some of which pertain to the procedures and the relating problems occurring during the implementation process, as well as the ambiguity of the texts which create great difficulties for judges to implement the law. The problems that judges face include: an increase in the cost of referrals on women, linking some articles to decrees, and resorting to society or to the courts in order to solve litigations. However, two main axes require more than just a rebuff; they demand condemnation since they give priority to power over justice. Sectarian concepts and texts have trespassed the domain of the private sphere to invade the public sphere which lead to the abolition of all remnants of a civil state, hence promoting the traditional positions and structures that generate violence. The legitimization of marital rape, for example, fully abolishes personal freedoms denying women's rights over their bodies. Also discriminating against children and depriving some of them of the right to protection contradicts the most basic rules of the Convention on the Rights of the Child. Not to mention that this places women in a position that forces them to abandon some of their children in order to save the others, hence accepting the status quo and relinquishing any demand for protection.

#### **First: The Need for the Promulgation of a Special Law to Protect Women from Domestic Violence**

The argument against restricting the protection Bill to women applies to positive discrimination measures too, and particularly to the quota. Given that the Constitution<sup>9</sup> expressly provides for equality, any legal action taken in favor of women is considered a discriminatory decision and cannot be adopted. This is not true, given that the Parliament accepts many laws that remain discriminatory against women.

A law particularly designed for women aims at ensuring equality not the opposite. It is a transitional solution intended to end the marginalization of women and to achieve equality among citizens. This is a procedure that enhances women to recover their lost dignity legally speaking. Women account for 60 percent of the population. Once they overcome their fears, they are more likely to assume their responsibilities at the level of the family and that of the country in general.

Thus, a female-only protective law will promote justice and equality.

#### **Women or Family Protection: A Provoked Dual**

Which one is more important - protecting the family or protecting women? This is a question that arises every time a topic about women is touched upon - as if a family can be strong if its members are not strong, especially women who play a pivotal role within the family. This is also a question raised by some people out of good will, fearing for their families, but also by others who might fear the idea of 'equality'. The Lebanese lawmakers seem to have taken a balanced position, at least ostensibly, with the promulgation of the Bill on "The Protection of Women and Other Family Members

from Domestic Violence”. But laws should not be judged by their appellation but rather by their detailed clauses.

Women face many obstacles when filing a lawsuit: once the material costs are overcome, women find themselves confronted with an archaic biased legal system, devised by men and for men, with the full support of a society that discriminates against women.

#### Case Study 1:

The story of Leila: Leila was severely beaten by her husband at home in front of her parents, and that prevented her from working for a period of three weeks. When she asked her parents to testify before the court, they refused because they “did not want her to sabotage her marriage and cause harm to her family”. As for her husband, he secured a number of witnesses who claimed that his wife was the one who lashed out at him in the parking lot, that she was the one who hit him, and that it was only self-defense. He managed to get a medical report from a forensic doctor and a four-day leave from work. The story ended with each of them withdrawing their complaints and subsequently the public action was dropped as well. This is neither an isolated case nor a unique one, and this is a case where the protection law should have been applied.

#### Case Study 2:

Farida was used to the beatings of her husband and had given in, as she lacked social and legal protection. After the promulgation of the Law on Protection, and after her husband had beaten her so severely that she was unable to go to work for a week, as confirmed by the forensic doctor’s report, she pulled herself together and asked the court to protect her from the violence that was inflicted on her. Effectively, the court issued a restraining order for Farida. Her husband too got a restraining order because he obtained a report from the forensic examiner stating that he had been bitten on the hand, and that teeth marks were evident. So, the judge had to issue a restraining order for the husband too because the law is not confined to women, but also includes other family members. At the expiration of the restraining order, Farida did not ask for its renewal, nor did her husband. What is the point of such an order when the offender and the victim are placed on equal footing?

Addressing gender-based violence within the family requires a series of effective measures, dedicated to the protection of women and to bridging the gap that has only been aggravated with time. Only then it will be possible to produce standard rules applicable to all. The most evident example would be the European experience. In Europe, several laws, policies, and programs are dedicated to women, which help in bridging the gender gap. This has helped address the phenomenon of violence against women and alleviate the procedures related to their protection as well. Even though, the promulgation of female-only laws is still taking place to-date so as to achieve gender equity. Therefore, it is not reasonable for us to step over half a century of European positive discrimination, making of their end result our starting point. Hence it is essential to dedicate to women a law that addresses the issue of domestic violence.

**Second: The Bill’s Encroachment on the State’s Neutrality and Civil Character**  
Legislators and civil society activists have worked hard to avoid any infringement by

the State on the prerogatives of religious sects; however, they omitted to prevent the religious concepts and laws from encroaching on the state's prerogatives. In fact, Article 9 of the Lebanese Constitution is one where the State undertakes to guarantee rights within the Codes of Personal Status, and adopts the principle that the State shall remain "neutral" towards denominations, treating them on an equal footing, and committing to human rights in an equation that ensures the civil character of the legal system.

Although the Constitutional Council has maintained on more than one occasion that the denominations' rights derived from Article 9 of the Constitution do not limit, in any way, the right of the State to pass legislation. Moreover, even though the subject of protection is not among the topics where denominations are entitled to claim any right, the Bill in question, and for reasons that are not acceptable by any standard, most of which due to political reasons, introduced concepts from the Codes of Personal Status into the civil domain, which is an infringement on the civil character of the law. Additionally, it opens the door to confessional and sectarian infringements regarding civil and citizenship issues.

This infringement is particularly obvious in Articles 3 and 12 of the Bill: In its paragraphs 7.a. and 7.b., Article 3 provides for the punishment of:

7.a. Whoever shall with the intent of redeeming marital rights to intercourse or because of the same, beat the spouse or inflict harm thereto, shall be subject to one of the sentences established in Articles 554 to 559 of the Penal Code. Where beating or harming recurs, the sanction shall be increased as per the provisions of Article 257 of the Penal Code. Where the plaintiff drops charges, public action subject to Articles 554 and 555 of the Penal Code shall be refuted.

Provisions governing recidivism shall remain applicable, where conditions are satisfied.

7.b. Whoever shall with the intent of redeeming marital rights to intercourse or because of the same, threaten the spouse, shall be subject to one of the sentences established in Articles 573 to 578 of the Penal Code. Where threat recurs, the sanction shall be increased as per the provisions of Article 257 of the Penal Code. Where the plaintiff drops charges, public action subject to Articles 577 and 578 of the Penal Code shall be refuted.

Provisions governing recidivism shall remain applicable, where conditions are satisfied.

#### **Do 'Marital Rights to Intercourse' Constitute the Crime of Rape?**

The expression 'marital rights to intercourse' is derived from the Code of Personal Status, more specifically from some Muslim jurists. Its implications are manifold, such as those derived from the French law that preceded the Civil Law. The adoption of Islamic concepts and their application to all citizens, whether non-Muslims or those who belong to no religion whatsoever constitutes an infringement on the freedom of belief of non-Muslims as well as on that of non-religious people, and a violation of the civil state. In fact, it is in contradiction to the provisions of Article 9 of the Constitution, which guarantees the freedom of belief.

'Marital rights to intercourse' was a concept known in French law prior to the promulgation of the Civil Law, and it has been used as a justification against

the criminalization of marital rape. How could a person practicing his 'right' be criminalized? It is based on the presumption that spouses have expressed their prior consent to sexual relations for the duration of their marriage. Until the 1990s, this presumption was in force in many countries worldwide. There is no doubt that proving marital rape is a real problem, but the difficulty of proof should not annul the crime itself.

In addition, the expression 'fulfilling marital rights in intercourse' is outdated, since marriage is now more viewed as a partnership within the family, while also acknowledging women's right over their body. It is noteworthy that adepts of the concept of 'marital rights to intercourse' are seemingly referring to a legitimate act, 'the right' each of the spouses has to intercourse, which refutes any violation of law.

Here, the lawmakers erred when considering that this expression condemned the rape of the wife, while, to the contrary, it added legitimacy thereto. Rape is not a sexual act; rather, it is a violent action that someone carries out by force and against the will of the other party and despite their objection, even if no harm occurred.

When marital rights are the result of a single-handed appropriation that violates the rights of the other to their body, marital rights turn into violent acts that are legally described as rape. The lawmakers' condemnation and incrimination is not so much about the transformation of the sexual act into a violent act, but about the harm that results from a legitimate act, or that is carried out for the purpose of fulfilling the legitimate right.

Subsequently, one can say that adding this controversial expression was undue and did not have any impact on protection, but introduced to the Penal Code the confirmation that "marital rights to intercourse" are legal rights, and therefore they are no longer considered criminal acts, and thus legitimize rape.

The complexities introduced by the lawmakers concerning this issue are significant. The penal judge only applies the law, and there is no such concept of 'rape' in the criminal code. He/she will prosecute in accordance with Articles 544 et seq. of the Penal Code related to beatings and harm. As for the chamber judge dealing with urgent matters, to which law shall he/she resort? Lebanon counts 18 denominations, and each of them has its own understanding of marital rights to sexual relations. For Christians for example, both parties are partners in a sexual relationship; one-sided forced sexual relationships are not legally permissible at all. In this case, the act is no longer a sexual act, but rather a violent act.

If the judge has to implement foreign laws in case of civil marriages held abroad, how should he/she deal with laws that criminalize the rape of the wife or sanctions it? And how should he/she deal with Lebanese couples who do not belong to a particular religious community and who held a civil marriage in Lebanon instead? What is the applicable law?

In terms of procedures, the proof of the confessional law for non-Muslims just like the proof of the foreign law before the Lebanese courts, is subject to procedures that

may be very lengthy and may thus annul the need for protection measures. The laws that govern the five Islamic confessions are issued by Parliament and published in the Official Gazette.

As for the laws that are applicable to non-Muslim communities, they are not issued by Parliament or published in the Official Gazette. Moreover, the jurisprudence of the Court of Cassation considers them to be binding because they are similar to written covenants. The proof and evidence of these laws submitted before civil or criminal courts follow the applicable procedures to the material facts. Litigants must prove them and it is no secret that they are time-consuming. Additionally, foreign laws that are enforced by the Lebanese courts upon the examination of marriages held abroad, which need to be translated and authenticated before the foreign competent authorities, sometimes include rules on marital rape that are in contradiction to the national or religious laws.

In light of these complexities, civil society has demanded that the crime of marital rape be discussed with various society groups upon the introduction of the reforms to the Penal Code. However, the lawmakers insisted on introducing the article related to marital rape. This confusion regarding the concept itself or vis-à-vis the difficulty of implementation, means that keeping this article in spite of its ambiguity accentuates the power relations within the family, subjects the wife to the individual will of the husband, and reveals that whatever is related to women in the family is a confessional matter, even if it does not fall within the scope of religious laws.

### **Discrimination vis-à-vis Children**

The other article that invokes religion in the public field solely for power considerations, even if it entails harm to children, is the last paragraph of Article 12, which states that

... Children involved de facto in the restraining order are those children in the age of legal custody as per the provisions of the Personal Status Codes and other applicable laws

This article invokes unduly the Codes of Personal Status. In fact, the issue of protection does not fall within the scope of the prerogatives of the religious law; the issue of protection falls de facto under the jurisdiction of the state and its duties towards its citizens. This commitment took shape when Lebanon signed the Convention on the Rights of the Child without reservations, and upon the ratification of the Juveniles Protection Law 422/2002.

By invoking the Personal Status Codes on the subject of juvenile protection, this article opens the door for sectarian and religious courts to step in and claim authority where it does not exist, which disrupts the effects of restraining orders that must be rendered promptly.

Also, with respect to the children's protection measures, relying on custody orders according to the Personal Status Codes leads to discrimination between boys and girls in the same family. This is because the determined custody age for a boy can

be different from that of a girl of the same confession, which results in the inclusion of one child in the restraining order and the exclusion of the other, although they were both (the boy and the girl) present with the mother during the occurrence of violence. This is not to mention the discrimination that would be caused by the implementation of protection measures among children in general due to differences in the age of custody among the different confessions. The Juveniles Protection Law No. 422 defines a child involved in the restraining order as one who has not yet attained 18 years of age, according to the Convention on the Rights of the Child. The text of Article 12, as described above, goes beyond the Juveniles Law and creates confusion in the implementation of this article that will affect the speed at which the restraining order is issued. The inclusion of this text excludes from protection children not falling under the mother's custody as per the Codes of Personal Status, which means that a child who is visiting his/her non-custodial mother is not covered by protection in the event that the husband subjects the mother to violence during the child's presence at her place.

The restraining order must encompass all those living or residing with the woman at the time of violence, including children, because they are, in this case, secondary victims of violence, and they should be subject to the same procedures. In addition to the substantive and procedural complexities, the judges face difficulties during the implementation of the law, including the proof of the religious and foreign laws. What shall the judge do if the foreign law applies the principle of joint custody?

In this context, we have witnessed for seven years, the exceptional work achieved mainly by women's organizations that have put the Bill at the heart of public debate. We have witnessed the emergence of feminist leaders, as they learned the basic principle of negotiating with politicians, linking their demands to accountability in the elections. The clergy are no longer able to stand in the way of an active civil society. Civil society has recovered its self-confidence, and civil society organizations have resumed their actions following the promulgation of this Bill. Further, we have seen the start of activities related to a range of draft laws. It has become clear that the problems will not find radical solutions without the amendment of the Codes of Personal Status, especially in closed societies where the State does not have a serious say, therefore, grievances should not be tolerated under the pretext that they fall under the scope of the confessions.

### **Deferring Problems to the Courts**

It is still early to study the impact of the law by examining the sentences rendered by the judiciary, because the sentences issued in application of the Bill are not sufficient to assess its impact. As of April 2014, nine sentences were issued, all of which were restraining orders that were not challenged or appealed; all were issued by the judges in chambers dealing with urgent matters and in subjects pertaining to beatings and harm in particular.

The proper implementation of a law pertains basically to the drafting of its clauses and to the clarity of the rules it sets forth; this is not the case for the Bill of April 1. Actually, the deliberate lack of clarity and the complexity tainting the wording of some articles of this text reflect the Parliament's inability to find solutions for real

social problems and to elaborate clear and simple procedures, easily invoked and enforced. This is the reason why it resorted to compromises when drafting the law, deferring them to the courts, so as to cast on them the burden of finding solutions. Usually, judges resort to jurisprudence. They seek to update and interpret laws when they are outdated, vague and are open to more than one interpretation. They also resort to jurisprudence when the text is vague, incomplete or omitting particular facts. The judge interprets in an attempt to seek the original meaning of the text. Similarly, the judge gives the text a new meaning, possibly more in line with the status of the community. Nevertheless, seeking a judge's jurisprudence with an ambiguous text is a constant challenge to the judge.

By reviewing the nine orders rendered so far, we see that they were issued by the courts of Beirut and Mount Lebanon, but we have not yet seen any orders issued by other courts. Nonetheless, those sentences are contradictory and do not all align behind a particular judicial interpretation of the law; for example, a restraining order was issued by a judge in a particular case and withheld by another in an identical case. This should come as no surprise, in fact, since standardizing the law and finding a specific orientation will not occur until higher authorities render judgments.

### **Next Steps and Recommendations**

There is no doubt that the Bill will be enforced but will not be amended for some time. Therefore, efforts must be exerted in order to give it the best chance of implementation while simultaneously preparing an amended draft. The Bill sets forth a number of mechanisms that remain postponed, or waiting to be put in the right practical framework, such as the establishment of a fund, the drafting of a list of experts from the Ministry of Social Affairs, and the appointment of specialized General Prosecutors in all regions. Civil society organizations should be working on these matters and following up on their implementation. As for the procedures, we must wait for the judiciary to deal with them in order to figure out how it proceeds and whether the suggested solutions are realizable. As for the matters related to considerations of authority within family and society, there is no doubt that they will go back, once again, to the public arena for debate.

### **The Irony of the Challenges**

The greatest challenge related to the Bill on Domestic Violence is that its concepts and essence conflict with the personal status laws and the subsequent habits and customs that were established under the guise of these laws. Personal status laws create a state of structural violence: they bring about a hierarchical structure, where man occupies the top of the pyramid as the head of the household. This structure is also characterized by the centralization of decision-making powers where man is the decision-maker and where his wife and children have an unquestionable duty to obey. Personal status laws discriminate between men and women, giving the former privileges by virtue of being men and women are deprived of fundamental rights simply because they are women.

The said structure inevitably allows the man control, undue demand of obedience and oppression, and leads to the social and economic marginalization of women,

as well as to a long history of violence under many forms, that is just beginning to unfold. Holding on to these laws and applying them as they stand promotes structural violence that results in a culture of violence and violent practices.

The great irony resides in having to strive to eliminate domestic violence to preserve human dignity and the guarantee of human rights, in a country that has undertaken to preserve such basic rights in the Preamble to its Constitution which stipulates in said Preamble that Lebanon commits to abide by the Universal Declaration of Human Rights and their principles in all fields and areas without exception. The first step toward this achievement lies in civil society's decision to commit to human rights, regardless of sacrifices.

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## ENDNOTES

1. The Lebanese State has pledged in accordance with Article 2, paragraphs "c" and "f" to achieve the following: "Enact the legal protection of the rights of women on an equal footing with men and ensure the effective protection of women..." As stipulated in paragraph 6 of General Recommendation No. 19, the Committee on the Elimination of Discrimination against Women considers that discrimination includes gender-based violence, that is: "violence that is directed against a woman because she is a woman or that affects women disproportionately, including acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty." It also considers in paragraph 24/b that: "State parties should ensure that laws against family violence and abuse, rape, sexual assault and other gender-based violence give adequate protection to all women, and respect their integrity and dignity." The Committee also requested in paragraph 24/r that State parties take all the measures that are necessary to provide effective protection of women against gender-based violence, and these measures, according to the Committee are not limited to penal sanctions, but include as well preventive measures, protection measures, as well as support services for women who are victims of violence.
2. The project was put forward on the agenda of the Cabinet two times. The first time, a ministerial committee was set up, and the former minister Ibrahim Shams al-Din was asked to study the draft law. At that time, a committee of experts was formed and the draft law was sent to all confessional, spiritual and religious courts for the sake of collecting their observations. Based on those observations which reached the ad-hoc committee, some amendments were made to the draft law.
3. Article 26 stipulated that "all texts that are contrary to the provisions of this law shall be repealed, and in the case of contradiction of the provisions set forth in this law with the provisions of Personal Status laws and the rules of the jurisdiction of the religious, spiritual and confessional courts, shall apply the provisions of the latter in each case."
4. According to Article 2 of the Bill for the Protection of Women and Family Members Against Domestic Violence, the family comprises "The spouse, the mother, father, brother, sister, ascendant or descendant of the same, legal or illegal, as well as persons related thereto by adoption, marriage, guardianship or custody up to the fourth degree, orphans in the care thereof, or stepmothers or stepfathers."
5. Any neglect by the judicial agent to deal with the complaints and information related to domestic violence shall be considered a major offense as per the provisions of Article 130, Paragraph 2 of Law number 17 dated 6/9/1990 (on organizing the Internal Security Forces). The offender shall appear before the Disciplinary Council.
6. The payment of alimony as decided by competent courts shall end the payment established in the restraining order.
7. See Azza Charara Baydoun, Man Akraha zaujahu aidan, *an-Nahar* supplement, Saturday, September, 12th 2012.
8. If a true marriage contract is concluded between the perpetrator of one of the crimes listed in this chapter and the victim, public action shall be refuted and if the sentence has already been rendered, the implementation of the sanction shall be suspended.
9. Article 7 of the Lebanese Constitution provides for the principle of equality.

# Women's Political Participation in Lebanon:

## Gaps in Research and Approaches

**Marguerite Helou**

After being pushed to the back stage during fifteen years of civil war, a sharp resurgence of interest in enhancing the participation of Lebanese women in politics was witnessed in the early 1990s. This was reflected in the mushrooming of women's non-governmental organizations that had this goal on their agenda. The constitutional and political reforms that brought the war to a halt, and the accompanying promise of democratization, raised women's hopes that their pre-war exclusion from power and decision-making positions would come to an end. However, the results of the first post-war parliamentary elections held in 1992 did not meet women's expectations, either qualitatively or quantitatively. This, coupled with their continued exclusion from post-war governments, intensified pre-war frustration. Demands for women's share in power and for a gender quota became louder than ever, encouraged by international calls for gender equality, and supported by funds and technical assistance from various international donors.

Despite the time, effort, and money devoted to enhancing women's political participation, no significant advances were made. The gender quota was not adopted, and women's representation in decision-making positions did not change. In fact, it has decreased since the 2009 parliamentary elections at the level of candidacy,<sup>1</sup> representation, and appointment. As such, one cannot help but ask, "Why?" Is this the result of the factors identified in published research on women's participation in running the affairs of their country? Or is it also the result of weaknesses or gaps in the way the issue was, and continues to be, approached by the major stakeholders? These are the questions that this study aims to answer through summarizing and elaborating on the major findings of desk and field research conducted by the author over the last two decades on the topic of women's participation in politics and issues of democratization. It also relies heavily on the results of various national surveys conducted in Lebanon since the late 1990s. Although these studies were conducted for different projects, they all have findings relevant to this study.<sup>2</sup>

### **Women's Political Participation: Did We Give Equal Weight to All Indicators?**

Research on political participation reveals the development of various indicators used to measure this concept. A review of published works on women's political

participation in Lebanon<sup>3</sup> reveals a general emphasis on some of those indicators, on the one hand, and marginalization, if not total neglect of the rest, on the other. It also shows that, while comparison between male and female participation has been made on the emphasized indicators (see below), little, if any has been made with regard to other indicators. This has had important consequences at the level of identifying the real problem(s), understanding the cause(s), and providing feasible solutions.

## 1. Widely Emphasized Indicators of Women's Political Participation

The most widely emphasized indicators are participation in the elections, representation in decision-making positions in the executive, legislative, and judicial branches, and female presence in political parties at the level of membership and decision-making. Most of the conclusions reached concerning these indicators point in the direction of discrimination against women, whether intentional or brought about by the intersection of cultural, social, economic, and/or political factors. Despite the significance of the conclusions reached regarding the existence of discrimination and its underlying causes, more comprehensive research into the real causes is still needed.

### A. Women's Participation in Elections

Published studies and statistics reveal a slight difference (2-3 percent) between male and female participation in national and local elections held since 1953 (Statistics Lebanon, 2009; Feghali, 2005). Moreover, and while there has always been women's engagement in electoral campaigns, the 1990s witnessed a sharp unprecedented increase in the percentages of females, mostly young, working on the electoral campaigns of some candidates, especially those spending large amounts of money on their campaigns. According to data provided by directors of the campaigns of some candidates in the 1996 parliamentary elections, female contribution equaled, and even exceeded, that of males. This, however, was not the case in campaigns of female candidates running independently.

The picture changes completely when it comes to candidacy and running for election; the percentage of women running for national and local elections since 1953 never exceeded 3 percent of the total number of candidates. Only in the last parliamentary elections, which were due to take place in the spring of 2013 (but were postponed), did the percentage of female candidates approach 10 percent. Noteworthy is the fact that between 1953 and 2000, female candidates were mainly from the Christian and Sunni sects but rarely from the Shiite or Druz communities.

Literature on the topic of female participation at the level of elections and candidacy tends to attribute the level and nature of this participation to men's and/or family control over women's electoral behavior and choices. This may be true to a certain extent, but there are other factors:

a. The fact that upon marriage a woman's registration area, and consequently her electoral area, is moved to that of her husband's. In a country like Lebanon, with a culture divided along sectarian, regional, and family lines, a woman's new family and its political connections and interests play a major role in determining her

electoral choices. Her husband's family and its political interests is the door to the politics of the area she was moved to upon marriage. As such, portraying women as submissive and mere followers of their husbands in their electoral choices, may be a hasty conclusion in the absence of research that looks in-depth into whether women's voting choices are a result of calculated choice or mere submission.

b. It also tends to undermine the heterogeneity<sup>5</sup> of Lebanese society, its resulting conflictual culture, and its role in determining the electoral behavior and the position of both men and women on major public issues within each sect (El-Helou, 2002). In such societies, especially those that have among their components advocates of an exclusionary political ideology,<sup>6</sup> all issues related to the preservation of the religious/sectarian identity, including women's issues, become issues of high politics. As such, women and men's political values, choices, and behavior become dictated more by sectarian interests than by any other factor. The implications of undermining this heterogeneity for women's issues in general, and political participation in particular, are vast. First, it is a major obstacle blocking women's ability to transcend sectarian borders and form a critical mass capable of exerting influence on decision-makers. Second, it consecrates the three aspects of the Lebanese culture (sectarian, patriarchal, and familial) that are identified in the literature as major factors obstructing the enhancement of female political participation at the decision-making levels. Finally, it leads us to ignore the precedence given to sectarian interests over any other interest, including human and women's rights, especially in times of crisis when perceptions of threats to sectarian identity and survival prevail.

#### **B. Women's Representation in the Executive, Legislative, and Judicial Branches**

Despite a high level of female participation in elections, women were totally absent from the legislative authority between 1953 and 1990. Only one woman was appointed in 1991.<sup>7</sup> Each of the three parliaments elected between 1992 and 2000 had three women among its 128 members. While the 2005 elections resulted in increasing the number of female MPs to six, the 2009 elections witnessed a drop in the number of both female candidates and winners (four only).

At the local level, women's representation in municipal councils between 1953 and the outbreak of the civil war in 1975 was extremely low and restricted to a few municipalities. The first post-war municipal elections, held in 1998, resulted in the election of 138 women to municipal councils. This number increased to 220 in the 2004 elections, and to 505 in the 2010 elections.<sup>8</sup>

Even with this increase in numbers, the percentage of women on municipal councils never exceeded 3 percent of the total. Within the executive authority, women never assumed a ministerial post before 2004 when two women were appointed as ministers. Women were later excluded in 2011. The current government has only one woman among its members. As for top administrative positions, the table below shows that the percentage of women decreases as we go up the administrative ranks.

Table 1: Percentage of Women in Ministries and Public Institutions (2009)<sup>9</sup>

Administrative Grade	Percentage in Ministries	Percentage in Public Enterprises and Institutions	Diplomatic Missions (Ministry of Foreign Affairs)
First Grade	10.52 %	9 %	7.01 % (Ambassador)
Second Grade	22.9 %	4.7 %	20.51 % (Consul General/Consultant)
Third Grade	33.9 %	8.8 %	27.5 % (Consul/Attaché/Secretary)
Fourth Grade	52.08 %	5.9 %	

Source: Drawn from detailed lists provided by the Civil Service Council in 2010

Despite claims of discrimination against women in the judicial authority, based on the absence of women from the Higher Judicial Council and other top judicial bodies,<sup>10</sup> Table 2 below shows that women have made big strides within the judicial authority. Moreover, the percentage of women among public notaries has been on the increase, from 14.18 percent in 2004, to 17.28 percent in 2006, and 40.83 percent in 2009.<sup>11</sup>

The same cannot be said about religious courts, which govern personal status laws (marriage, divorce, child custody, inheritance, etc.). Women were, and continue to be, totally excluded from them. The only exception is the Evangelical Court that has one woman among its judges.

Table 2: Women in the Judicial Authority (1980-2009)

Women Judges: Percent of Total Number of Judges in the Various Courts								
	1980	1985	1990	1995	2000	2004	2006	2009
Civil Courts (judges)	2.51 %	4.2 %	10.1 %	15.8 %	22.47 %	29.26 %	32.22 %	38.94 %
<i>Majlis Al-Shawra</i> / Administrative courts (judges)	3.84 %	4.76 %	11.11 %	21.21 %	21.21 %	25.58 %	35.48 %	40.38 %
Financial courts/ Audits Council (head of section/ counselor)	----	-----						27.8 %

Source: Data provided by the Director General of the Ministry of Justice Omar Al-Natour in 2009.

Analysis of the reasons behind the absence of women from the legislative and executive authorities, and later of their very low representation at the judicial level, suffers from some gaps.

First, research on women's political participation places emphasis on political confessionalism as one of the major factors at play in preventing women from

assuming power and decision-making positions by appointment and/or election. While this is true, one has to remember that the alleged discrimination resulting from this power sharing formula among the Lebanese sects is not limited or restricted to women; many politically ambitious and competent men are also denied access to power positions. This emphasis has blinded us for long to the role of other factors, mainly clientilism, familialism, as well as old and/or modern feudalism (plutocracy), prevalent within and across sects. Women do not prevail in either clientilist or feudal networks, and, as the history of independent Lebanon testifies, a political family will not nominate a woman to represent it except in the absence of the male heir, or until the latter comes of age. These factors, more than the confessional power sharing formula, are the real obstacles to women reaching decision-making positions. The impact of these factors is further aggravated by the impact of a. the conflictual culture with the resulting sectarian fear for identity and survival, and b. the prevalent patriarchal culture rooted not only in men but also among a sizeable majority of women.<sup>12</sup> As such, the demand for de-confessionalization of the system as a solution to this discrimination is like beating around the bush. A reconsideration of the suggested role of political confessionalism in the discrimination against women at this level of political participation is required, as is in-depth research into the role of the two overlooked factors: clientilism and feudalism.

Second, research on women's political participation approaches women as a "stand alone" category at three levels. First, research on the various types of obstacles facing the election of women lacks comparison with obstacles facing many male candidates, thus diverting attention from the "lack of equal opportunity" inherent in the successive electoral laws and their similar impact on candidates from both sexes. As such, the adoption of any gender quota is not expected to achieve the desired goal, unless accompanied by other reforms in the law capable of making equal opportunity a reality. Second, treating women as a stand alone category also appears when investigating the factors behind the election of past and current female MPs, and the prevalent emphasis on the fact that most female MPs have inherited their seats from a deceased father, husband, brother, or grandfather in the absence of a male heir, or until he comes of age. Here also we find a lack of comparison between the number of female and male MPs who assumed their position through "heredity", as well as a lack of in-depth investigation into the factors at play in the formation of the male political elite, both old and new.<sup>13</sup> This lack of comparison diverts attention from the still prevalent role of traditional sources of power in determining the Lebanese political elite in general, and makes us refrain from asking questions concerning whether Lebanese modernization and representative democracy is an actual reality. Finally, the tendency to treat women as separate entities, detached from the rest of society, also appears in the arguments provided in support of demands for greater female representation at the decision-making level, and mostly when evaluating the performance of women in positions of power, whether at the national or local level. Unfortunately, research on this topic, usually funded by international donors, does not provide comparison between the performance of men and women in decision-making bodies such as parliament, parliamentary committees, or on the same municipal councils (El-Helou, 2013). Such comparison is badly needed to help identify the real problems and obstacles impacting performance, and to determine whether they have to do with women's assumed lack of knowledge

and training, mostly due to their new entry into decision-making circles, the system as a whole, or to any other factor. Noteworthy here is the fact that in our approach to women's political participation and performance, we tend to put, explicitly or implicitly, a set of higher expectations and standards for women, which, if applied to men's performance would leave most of the parliamentary, ministerial, and municipal seats vacant.

Finally, most research on the topic does not account for the findings of various national surveys, especially those conducted over the last decade, regarding the general public attitude towards women's participation in politics and public life. The results of some of these surveys reveal that: a) while a sizeable majority of men (65 percent) and women (67 percent) regardless of level of education, declared their support for the adoption of a gender quota in Lebanon in the SWMENA,<sup>14</sup> introducing this quota among the demanded reforms of the electoral law was not considered a priority by the vast majority (around 90 percent),<sup>15</sup> and b) while the vast majority of Lebanese support women's political and other rights in general, a sizeable majority still perceive men as being better politicians and leaders than women.<sup>16</sup> These contradictory results have two major indications: first, the Lebanese acceptance of gender equality in theory but not in practice (further supported by the actual voting for women in successive national and local elections); and second, the continued prevalence of gender stereotypes even among women. This directs attention to the need for revising the projects and campaigns aimed at improving the status of women in politics, as well as in other fields, both at the level of content and at the level of the targeted audience to ensure male involvement. It also directs attention to the need for serious work on removing gender stereotypes from school books and the media.

Proposed solutions for ending women's exclusion from political decision-making positions have centered on the need to de-confessionalize the system and for a gender quota. Regarding the first demand, and although it is highly desired, the feasibility of its adoption is still doubtful in a heterogeneous society, composed of large and small minorities, with a conflictual political culture, divided along sectarian and religious lines, and especially with the rise of exclusionary political ideologies.

As for the demand of a gender quota, the advocacy efforts carried out by women's organizations over the last couple of decades has led to the introduction of the gender quota in two law proposals submitted to Parliament by the government. The first provided for 30 percent of women on parliamentary electoral lists, and the second provided for 20 percent of the seats of municipal councils for women, none of which was adopted by Parliament. Analysis of the two quota proposals shows that their role in enhancing female qualitative and quantitative representation was not that promising.<sup>17</sup>

## **2. Male/Female Participation in Democratic Mechanisms: The Often-Neglected Indicators**

Democratic regimes provide citizens with a variety of mechanisms to enhance their direct or indirect participation in public affairs, ensure that their voices are

heard, and provide those who are ambitious and interested with a stepping-stone towards higher levels of political participation and engagement. Participation in, and exploitation of, such mechanisms do not only serve as indicators of political participation they are also important indicators of whether the culture prevalent in a certain society is a participant, passive, or parochial culture. While most published research highlights the dearth in statistical data on these indicators, many of the national surveys conducted in the last two decades include questions on recourse to these mechanisms, and reveal that women's exploitation of such mechanisms is very low, if not minimal.

#### A. Participation in Political Parties

To start with, no political party in Lebanon publishes statistical information on their registered members. However, various national surveys conducted between the mid-1990s and 2013, each of which included a question on the respondent's party membership, reveal that female membership in political parties never exceeded 8 percent.<sup>18</sup> They also reveal that a sizeable majority of female respondents are not interested in politics,<sup>19</sup> and feel that none of the political parties active on the Lebanese scene reflect their political, economic, or social ambitions.<sup>20</sup>

While research on women's political participation does not refer to such statistics, it generally acknowledges these facts. Here also there is a tendency to treat women as a stand alone category through lack of comparison with male membership that, as clear from the results of the same surveys, is statistically very close to that of women. This similarity in the attitudes of men and women towards political parties indicates that the problem is not limited to women. It highlights the need for political parties to look into the reasons behind their failure to attract members.

It is important to note that women are currently present on the decision-making bodies of political parties active on the Lebanese scene, though with varying degrees and more in regional offices than in central ones. In 2009, females accounted for 32 percent in the Executive Council of the Free Patriotic Movement; 20 percent of the Political Council of the Amal Movement; 14 percent of the members of the Executive Council of the Lebanese Forces and the Democratic Tajadod Party respectively; 9 percent of the members of the Political Bureau of the Phalangists Party; and 5 percent of the members of the Executive Committee of the Future Movement.<sup>21</sup> However, published research lacks in-depth investigation of the nature, extent, and effectiveness of their participation in the party's decision-making process in comparison with that of male members.

#### B. Membership in Civil Society and Participation in Protest Politics

Two other indicators used to assess the level of political participation are: a) membership and engagement in civil society organizations, and b) participation in various forms of protest politics. With regard to civil society, the last two decades have witnessed a significant increase in the number of non-governmental organizations working on women's issues. By 2010, their number was close to 400, with around 150 of them joining forces under the Lebanese Women's Council.<sup>22</sup> These are large numbers for a country the size and population of Lebanon giving the impression of a high level of female engagement. However, successive national

surveys reveal that female engagement in various types of civil society and political organizations is very low. As clear from the results of the SWMENA national survey of 2009 presented in the table below, female membership in any of the various types of organizations did not exceed 11 percent.

**Table 3: Percentage of Women and Men who are Current or Former Members of Different Organizations**

Type of Organization	Female (sample size 2000)	Male (sample size 750)
Religious Group	11 %	7 %
Charity Organization	8 %	7 %
Political Party	7 %	21 %
Women's Organization	5 %	1 %
Family Association	3 %	5 %
Trade Union/Syndicate	3 %	7 %
Artist/Scientist Union	1 %	3 %
NGO	1 %	2 %
Cooperative	1 %	3 %

Source: SWMENA/Lebanon at <http://www.swmena.org>

The results of the Arab Barometer surveys of 2010 and 2013 respectively (using a sample of 2400 respondents) reveal results similar to those of SWMENA but with a drop in the percentage of Lebanese membership in political parties from 12 percent in 2010 to 9 percent in 2013 without any statistically significant difference between men and women.<sup>23</sup> Moreover, while women join the professional syndicates where membership is a prerequisite for practicing the profession, their average presence is low in syndicates and trade unions where membership is voluntary. Similar to political parties, women organizations have to look into the reasons behind their failure to attract members, especially young blood. These reasons may be related to weak democratic decision-making and the rotation of power processes, lack of funds, weak institutionalization or excessive personalization of the work within the organization.

As for women's participation in protest politics (signing petitions, participating in demonstrations, sit-ins, etc.), surveys show that it is very low. The vast majority (around 90 percent of female respondents in the various surveys) have never participated in such activities.<sup>24</sup> Here also, one cannot but raise the question on whether male engagement in such mechanisms is more or different than that of females. The answer is no. As revealed in the same surveys, the difference between male and female participation at this level does not exceed 5 percent.<sup>25</sup>

These findings are significant. They question the widely-held belief that Lebanese men are more politically active than women. They also indicate that the prevalent culture, both among men and women, is more of a passive or parochial culture than a participant one. The implications of this are very important, and cannot be ignored when planning interventions to enhance women's political participation.

## Conclusion

The above discussion aimed at showing that previous research on Lebanese women's participation in politics has placed more emphasis on some indicators of political participation at the expense of others, and lacked comparison with male participation on most of those indicators. The inevitable result limits our understanding of weak female representation in positions of power and engagement in politics to a mere issue of gender-based discrimination, which is not totally true. The issue is much more complicated. Besides being the result of the various political, legal, economic and cultural factors identified in the existing literature on the topic, it is also the result of the prevalence of a passive or parochial culture among both men and women. The adoption of a temporary gender quota is still highly recommended, not only to improve female representation at the decision-making levels, but for the role it can play in cultural change. However, the quota is not enough by itself. It must be accompanied by serious work on reforming educational books and curricula, the electoral law, state institutions, as well as the major democratic mechanisms, to turn democracy from a "general concept" upheld and demanded by the vast majority of the Lebanese,<sup>26</sup> into an actual exercise and practice capable of guaranteeing the citizens' political, economic, and social rights regardless of their gender.

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## ENDNOTES

1. While the demand for a women's quota was at its height, the 2009 parliamentary elections witnessed a drop in the number of women candidates to much less than the demanded quota.
2. The national surveys mentioned throughout this article include those conducted by Statistics Lebanon for projects funded by international and regional organizations. Among them are the national surveys conducted for a) the Lebanese Center for Policy Studies on national and local elections in 1996, 1998, and 2000, respectively; b) six national surveys for the International Republican Institute (IRI) under the Lebanese Opinion Advisory Committee (LOAC) project between 2006-2010; c) the national survey for the International Foundation for Electoral Systems (IFES) as part of the Status of Women in the Middle East and North Africa Project carried out in 2009; and d) the three national surveys for the Arab Reform Initiative, part of the Arab Barometer Project (conducted in 2006, 2010, and 2013 respectively).
3. Mgheizel Laure, (1995) "Women Participation in Power and Decision Making Positions", in the Proceeds of the Lectures and workshops held in Preparation for the Beijing Conference 1994-1995, Beirut, Friedrich Ebert Foundation; Sharaf El-Din Fehmieh & Fadia Kiwan, (1996), "The Development of the Status of Women in Power and Decision Making in Lebanon", Abaad, Volume 5, June 1996; Krayem Hassan, Enhancing Female Representation in Local Councils and the Quota Proposal in Lebanon, Beirut, Friedrich Ebert & the Lebanese Commission for Women's Rights; Helou Marguerite, (1998), "Women and Politics in Lebanon", in Joint Work, Abi Saab Fares, Bahout, J., Takieh El-Din, S. Helou, M., Khazen, F., Douweihy, S., Sassine, F., Salem, P., Sleiman, I., Shaoul, M., Sadek, D., Attalah, T., Feghali, K., Kaii, A., Krayem, H., Majed, Z., Messarra, A., Nassif, N. The 1996 Parliamentary Elections and the Crisis of Democracy in Lebanon", Beirut, Lebanese Center for Policy Studies, 1998.
4. Personal interviews conducted during the 1996 elections with the directors of the campaigns of Rafiq and Bahia Al-Hariri and other candidates. For more on this see; El-Helou Marguerite, (1998), "Women and Politics in Lebanon", in Joint Work, Abi Saab Fares, Bahout, J., Takieh El-Din, S. El-Helou, M., El-Khazen, F., Douweihy, S., Sassine, F., Salem, P., Sleiman, I., Shaoul, M., Sadek, D., Attalah, T., Feghali, K., Ka'ii, A., Krayem, H., Majed, Z., Messarra, A., Nassif, N. The 1996 Parliamentary Elections and the Crisis of Democracy in Lebanon, Beirut: Lebanese Center for Policy Studies, 1998.
5. A heterogeneous society is a society composed of various groups (ethnic, racial, religious etc...) who have deep divisions over critical issues such as state identity, whether the state is to be independent or part of another, form of political system, sources of law, the relation between state and religion etc.... Although many believe that such divisions have long been overcome in Lebanon, close observation of the situation in the country reveals not only their continued existence, but the increase in their intensity as a result of the Lebanese domestic politics, the rise of extremist Islamic movements, and regional events. This enhances the communities' fear for their identity and survival. It is important to note that while heterogeneous societies are inevitably pluralistic (as Lebanon is often described), not all pluralistic societies are necessarily heterogeneous.

6. This ideology does not accept the other as an equal in rights and duties, the threat of which has been on the rise with the rise of Islamic extremism.
7. With the exception of Mirna Bustani who assumed her father's seat (in partially unchallenged elections) for the remaining period of his term upon his death in an airplane accident in 1963, and Nayla Mouawad who was appointed in 1991 for one year.
8. It is important to note that the number of elected females in each election was derived from the Ministry of Interior's lists that are not broken down by gender. In light of the fact that listing the gender of the applicant is not required upon submitting the candidacy application, female winners were counted relying on the first name of the elected individuals. Since some first names are common to men and women, the above figures may not be 100% accurate.
9. Although the data is for 2009, it is still valid considering the government's general policy of halting recruitment in the public sector.
10. Considering the relatively new entry of women into the judicial authority, and the years of service required for appointment in those positions, this claim of intentional discrimination may not be fully supported.
11. Data provided by the Director General of the Ministry of Justice Omar Al-Natour in 2009.
12. The results of the IFES SWMENA survey conducted in Lebanon in 2009 revealed that 46% of Lebanese women and 60% of men believe that "men make better political leaders than women", and 36% of women with university degree and above believe the same, <http://swmena.org>. The Arab Barometer Survey conducted in Lebanon in 2013 revealed that 39% of the Lebanese share this opinion with no significant differences between men and women, <http://arabbarometer.org/arabic/index/html>
13. El-Helou, Marguerite, "Elite Change and the Role of Women", paper presented at the workshop on The June 2009 Elections: Issues and Challenges, organized by CMEC, IFES, LCPS, & ICG. Hotel Phoenicia, Beirut, April 8, 2009, unpublished. Based in large part on a review of the social, economic, and educational background of all Lebanese MPs since 1926, this paper highlighted the still prevalent traditional sources of power, and the traditional links between most of the members of the post-war parliaments, especially members of the same parliamentary coalitions. For the personal background of Lebanese MPs since 1926, see Daher Adnan, and Riad Ghannam (2000) *Al-Mu'jam Al-Niabi (The Parliamentary Dictionary), The CVs of Parliamentarians: 1926-2000*, Beirut: Lebanese Parliament.
14. SWMENA national survey 2009, <http://www.swmena.org>
15. This was clear in the results of the five national surveys conducted by the International Republican Institute (IRI) between 2006 and 2009 under the Lebanese Opinion Advisory Committee (LOAC) project to track the positions of the Lebanese public on the major issues among which was the reform of the electoral law. website removed
16. The Three Waves of The Arab Barometer of Democracy/ Lebanon (2006, 2010, 2013), and SWMENA/Lebanon. See footnote 12 above.
17. For a detailed discussion of the two law proposals see El-Helou M. (2009). *Women Quota in Lebanon: A False Promise?* Al-Raida, 126-127, 58-65.
18. See SWMENA/Lebanon available at [www.swmena.org](http://www.swmena.org). This finding is also supported by the results of the five International Republican Institute (IRI) surveys conducted by Statistics Lebanon between 2006 and 2009.
19. See Arab Barometer, Waves I (2006-2007), II (2010-2011), and III (2013-2014) available at <http://arabbarometer.org/content/ab-waves>
20. See Arab Barometer, Waves I (2006-2007), II (2010-2011), and III (2013-2014) available at <http://arabbarometer.org/content/ab-waves>
21. This information was collected by the author from the central offices of the respective parties during the summer of 2009. See also LADE <http://www.lade.org.lb/getattachment/e3e17081-a9fd-4851-a5e2-10ae2b78f623>
22. This is according to a list collected by the Ministry of Social Affairs in cooperation with UNDP in 2008. For updated information and mapping of civil society organizations, see <https://daleel-madani.org>
23. See <http://arabbarometer.org/arabic/index/html>
24. See <http://arabbarometer.org/arabic/index/html>
25. See <http://arabbarometer.org/arabic/index/html>
26. See <http://arabbarometer.org/content/ab-waves>

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# Roundtable

## Gender Research in Iraq: Facts and Expectations

*Al-Raida* is pleased to publish the thematic discussions of a roundtable that grew out of a two-year project entitled “Gender Training for Iraqi Academics and Researchers”, funded by the Open Society Institute, International Women’s Program and implemented by IWSAW in collaboration with SOAS Centre for Gender Studies, University of London, and the Women and Memory Forum, Egypt. The project focused on developing the research writing skills of 19 Iraqi researchers (Baghdad and Erbil) on how to undertake research projects on women and gender studies. Participants in the roundtable discussed the current status of gender research in the Arab world with special focus on Iraq. They also were trained on proposal writing skills and learned the importance of writing a good proposal to attract funding as well as the value of networking with regional and international research centers, universities, and NGOs.

### Transcribed and translated by Rada Soubra Barraji

**Dr. Samira Aghacy:** Good morning dear guests, sincere greetings and welcome to Lebanon and to our roundtable “Gender Research in Iraq: Facts and Expectations”. Since its inception in 1973, the Institute for Women’s Studies in the Arab World (IWSAW), has been committed to women’s issues, not only in Lebanon but also in the entire Arab world. The Institute carries out various activities aimed at developing women’s studies at the Lebanese American University by integrating them into the curricula, as well as by raising the students’ awareness vis-à-vis these studies. A faculty committee was established to this effect, consisting of a multidisciplinary team of professors who work closely in order to adopt a gender-based approach, and to incorporate women’s issues into their curricula. The Institute is thoroughly committed to empowering Arab women through development and cultural programs, working hard to make a change regarding women’s rights issues in Lebanon and in the region.

The Institute strives relentlessly to foster networking with international organizations and institutions that are concerned with gender issues. Among such collaborative efforts is our venture with the Association for Middle East Women’s Studies and The Women and Memory Forum to produce The AMEWS E-Bulletin. The Institute has



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carried out many activities consisting mainly of development and training programs, including research and studies that are published in *Al-Raida* (“The Pioneer”), the quarterly journal published by IWSAW since 1976. *Al-Raida* is a multidisciplinary journal, whose mission is to promote research on the condition of women in Lebanon and in the Arab world. The Institute’s commitment to academic research was recently augmented by launching an M.A. program in women and gender studies.

We are very proud to introduce our international guests: Dr. Suad Joseph, distinguished professor of Anthropology and Gender, Sexuality, and Women’s Studies at the University of California, Davis; Dr. Hoda Elsadda, professor of English and Comparative Literature in the Faculty of Arts, University of Cairo, and member of the Rights and Freedom committee in charge of amending the Egyptian Constitution; and Dr. Nahla al-Nadawi, professor in the Faculty of Education for Girls, University of Baghdad.

From Lebanon, please let me introduce Dr. Noha Bayoumi, professor in the Faculty of Arts and Humanities and expert in literary and cultural criticism, and women’s studies. Dr. Samira Atallah, director of the UN-ESCWA Center for Women was expected to join us but unfortunately, she will not be able to make it today. We are also extremely pleased to welcome our Iraqi guests and the audience. Last but not least, my greatest thanks goes to my colleagues at the Institute for their wonderful job, especially Lara Shallah who devoted herself to organizing this meeting.

Dr. Hoda Elsadda, the floor is all yours.

**Dr. Hoda Elsadda:** Thank you. I am particularly pleased to be part of this meeting because we are handling a subject that is dear to me, i.e., the importance of establishing gender studies programs in all Arab universities, as well as the importance of developing a gender mainstreaming curriculum for the humanities

and Social Sciences. This is not new anyway, as I recall very well, it was in the early 2000s that real attempts were made in this respect; raising awareness about the importance of developing such programs and inciting Arab researchers to adopt this approach in their studies, etc. As we are in Lebanon, I do particularly remember a very important conference organized by *Bahithat*, entitled “Incorporating a Gender Mainstreaming Perspective into the Policies of the Lebanese University and its Curricula”.

Concerning the issue of translation, for instance, various efforts have been made in this respect: how to translate concepts and how to translate the term gender. The discussion is still ongoing and remains unsettled because each Arab country, even each group, is using a different terminology, an issue that needs further debate. I think that we have reached a consensus to make male and female Arab researchers adopt the gender mainstreaming approach, integrating it into their research. By doing so, many objectives can be achieved, one of which is producing knowledge that supports women’s movements. I think this is an important goal to achieve since knowledge is the backbone of any successful movement, and for a movement to prevail it needs the support of solid and reliable knowledge. A second issue that is worth mentioning is that the concept of gender offers a genuine critical perspective. Therefore, globally speaking, adopting it would be promoting the humanities and social sciences in the Arab world.

Another point I would like to talk about, is how this can be done in Arabic. It is common knowledge that as early as the 2000s, many M.A. programs were developed and many centers for gender studies were opened, all of which use foreign languages. However, until we conceive programs in Arabic, such concepts will not be fully integrated into the Arab culture. Being able to offer these courses in Arabic



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is a matter of personal concern to me, since it is well-known that in most Arab universities, courses are mainly offered in Arabic. Teaching gender studies in Arabic is an important step to be taken, albeit not an easy one.

I would like to say a few words about The Women and Memory Forum. We are trying to address two issues: the first one has to do with developing programs of gender studies in Egyptian universities, and then providing the adequate curricula. In this respect, we did two things: we translated various seminal texts into Arabic, touching on fields such as gender and history, gender and social sciences, gender and political science. The idea behind it was to transfer to the Arab world the great job that has been done so far in the United States, England, and France. So we started the process of translation in order to provide both Arab students and researchers with this knowledge.

The second thing we did was to hold conferences and educational sessions in Egyptian universities to introduce the new research methods and the gender-based perspective to students, researchers, and professors, to allow them to adopt them in their respective fields. For instance, those who are specializing in history may find articles combining gender and history, those who are specializing in literature use articles combining gender and literature, etc.

We tried to organize a regional conference in 2011. Researchers from Tunisia, Yemen, and Iraq were invited but as my Iraqi colleagues already know, we could not provide the Iraqi guests with visas, so I personally apologize for this regretful incident, I apologize on behalf of Egypt. And here, a tribute should go to Dr. Nadje Al-Ali, as well as to Dr. Dima Dabbous, the former director of IWSAW, who took the initiative of holding the September 2012 conference in Lebanon, dedicated to Iraqi researchers. It was a good start I guess, and that's how I met all the Iraqi participants who are among us today. So I consider this roundtable to be in the continuity line of the 2012 conference. For those who were not present then, the emphasis was on research methodology, particularly from a multidisciplinary gender-based perspective. All participants were asked to think about or to produce a gender-based study. A follow-up to this conference took place in Erbil in March 2013. Dr. Dima Dabbous and Dr. Nadje Al-Ali were present there, but unfortunately I was unable to go to Erbil. Some studies were presented there, and it is still an ongoing process. So one of the aims of today's workshop is to sound the participants out on their opinion regarding the Erbil conference in order to evaluate what has been done so far in the field.

I just want to draw your attention to the fact that this session is being recorded for the proceedings to be published on the website and later in *Al-Raida*. We have two speakers now, the first speaker is Dr. Nahla al-Nadawi from Iraq. Dr. Nahla is one of the prominent scholars who participated in the 2012 conference; she is professor of Arabic literature at the University of Baghdad and has done research and studies on various issues related to Iraqi women. One of the most important is an evaluation of Iraqi women's parliamentary performance. Dr. Nahla is also an independent feminist and an expert in training on women and gender issues. She will deal today with the Iraqi situation, to be followed by Dr. Noha Bayoumi.

**Dr. Nahla al-Nadawi:** Good morning ladies and gentlemen. I will try to focus on the status of feminist studies in the Iraqi universities. In short, administratively speaking, until now we have no centers for women's studies; the terminology used in the curricula deliberately ignores women's issues; we have no qualified professors of feminist studies; we have a problem with methodology, and the feminist approach is not incorporated into the social sciences. Unlike The Women and Memory Forum, we have no Gender Studies program; no specialized scientific publication, and no specialized library in women's issues. The situation might seem bleak, but this is not the complete picture. This is true concerning public institutions, but the situation is different when it comes to private initiatives, and I'll leave it to my colleagues to talk about the efforts that are being made on an individual basis in the universities all over Iraq.

I have a great announcement to make with respect to the public sector. A few months ago, under the instigation of the Ministry of Women's Affairs and the Ministry of Higher Education, the final consent was given to open an Iraqi Center of Feminist Studies within the Faculty of Girls' Education at the University of Baghdad. So our baby is not born yet; we have just baptized it, and we hope it is going to be a healthy one.

A quick historical overview of the structural approach to social sciences would be of great help to understand the challenges that are facing feminist studies in Iraq, as feminist studies are part of the Department of Social Sciences. The first Iraqi universities go back to the 1920s. The Iraqi state was founded in 1925 and needed administrative staff and lawyers. The first school to be founded was the Faculty of Law. Later on, institutions of higher education improved in leaps and bounds thanks to human resources, to the flow of money, and to generations of exceptional educators, technocrats, and academics. If we suppose that the Iraqi institutions of higher studies are 80 years of age, then let me say that the first half was a success, characterized by a gradual development, qualitatively and quantitatively speaking. The second half was mitigated, quantitatively speaking, it was improving, but from the qualitative point of view, there was a drastic regression. The triggering factor was the start of the Iraq-Iran war in 1980, in addition to other political and social factors; the end result was detrimental as the challenges outweighed many of the previous achievements.

I will go over these negative factors quickly.

Universities came to be under governmental control and had to bear the burden of technologically-biased governmental policies whose main aim was to achieve a higher degree of militarization and development, and therefore were much in favor of the natural sciences and technology when it came to financing and granting scholarships for students to study abroad. Universities suffered also from the ideology of the single-party system, which has put very strict restrictions on any social science approach both on the theoretical and the practical levels. This had a negative impact on many social science fields, because it sets limits to the various approaches to political studies, philosophy, humanities, history, as well as to the modernization of the curricula.



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The second factor that affected academic life and particularly the departments of social sciences is an institutional one. In Iraq, the social sciences are confined to the Faculty of Arts and Education, so there are 16 divisions, with nine divisions and four branches, whereas worldwide, there are more than 39 divisions and branches. The result was a clear cut separation between political science and law studies for instance from sociology and anthropology. This situation loosened the structural bonds between these disciplines, so that the global expansion of the social sciences did not reach Iraq, for as I have previously said, our academic institutions have only 16 branches. An additional institutional drawback was that we were left with poor databases and poorly stocked libraries due to sanctions and censorship.

The third and penultimate factor is a cultural and social one. Both society and the state scorned the Social Sciences, looking down at the holders of such degrees who were offered few job opportunities; the same was true for their chances of remuneration, with the exception, however, of those working in the oil sector or international law experts. And I would add, as a joke, that even girls who married men holding a scientific degree were considered of a higher category. These were social and cultural factors whose effects are still being felt.

The fourth factor that seriously affected the level of social sciences in Iraq has to do with wars and the militarization of society from 1980 until 2003. During the Iraq-Iran war and the 1990 Iraqi invasion of Kuwait, qualified teachers and professors were mobilized; they joined the army and ended up being killed on the ground. Then there were many waves of migration, and finally it was the economic embargo that gave our resources, our research, and our curricula the final blow. Under the economic embargo we were completely cut off from the outside world, as far as knowledge was concerned. Dr. Faleh Abdul-Jabbar's Strategic Studies Institute surveyed professors and university staff asking them to estimate the knowledge

deficit they have suffered. Unfortunately it was estimated that the knowledge gap was 25 years, and this is no simple issue. So we were cut off from the world; we suffered from a lack of resources, followed by a brain drain. Scholarship allocations for students to study abroad were stopped, as the budget went to the war effort. The quality of education suffered a great deal and we ended up with a knowledge gap. We also had to face corruption and bribery. Students and professors were neglected, and behavioral codes were turned upside down. Student-professor behavioral codes were shaken, and so was the professor-professor code of ethics. Under the embargo, the economic situation of academics deteriorated dramatically owing to inflation. I recall, from the embargo period, the situation of a professor who was a father to many girls - he had to remove the window frames in his house, one after the other, and sell them for a few dinars. His salary then was equivalent to eight US dollars. I also recall the story of a colleague of mine who told me that she was happy she could afford to buy a pair of shoes that month. At certain times, the monthly salary of an Iraqi professor was equivalent to the price of a pack of eggs. You can just imagine how bad the situation was, and how much our value system was shaken. So these factors combined have negatively affected academic life in every aspect: teaching conditions, quality of textbooks, research, production of knowledge, etc. This was the harshest period for the social sciences.

As for the present situation, post-2003, I would like to talk about this period, highlighting its advantages and drawbacks. After the 2003 fall of the regime, and with the advent of the occupation, all state institutions were dismantled, as everybody knows. Although the new political system aimed for democracy, this period was characterized by violence, lack of security, and an institutional void.

Please allow me to start with the positive effects. Our isolation from the rest of the world came to an end. Travelling abroad resumed, given that previously going



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abroad was not possible. Academic scholarships were resumed. We had internet and mobile phones, and we were lucky to have such an influx of books without any legal restrictions whatsoever, on publication, or on translation.

We had a dramatic change in the financial conditions of the Iraqi professors. The wages that had reached a minimum of 8 US dollars per month were raised to 500 US dollars, and now they have reached approximately 1000 US dollars for a starting salary, to rise to 3000 US dollars; they might even reach a peak of 5000 US dollars. Personally, I belong to the category of the 3000 US dollars.

As for the external factors, we were overwhelmed by international organizations and agencies, research institutes, as we became a market with a high demand for research. Nevertheless, our local scholars were not able to meet the demand for quality research because things had not changed since, (we are talking here about a relatively short and unstable period of time, that is from 2003 to present). This situation was called an “embryonic market” by Dr. Faleh Abdul-Jabbar’s Institute.

So much for the bright side, please allow me to talk about the challenges that we had to face. Terror invaded our lives; we were threatened and the result was that we lost many competent people. According to statistics that are not that accurate in Iraq, 2.5 million Iraqis fled the country, a great number of them were technocrats, scholars, and scientists. We also had professors who were killed, and those who were not displaced or killed were living in constant terror. Some universities came to be under the militias’ control, if not militarily then figuratively speaking. Our value system was so shaken that some students became more influential and more powerful than their teachers, because they were backed by a powerful political party.

Although our regime was supposed to be democratic by constitution, our politicians made a tacit agreement based on compromise and quotas. Therefore, we had to endure another type of power in addition to the power of arms: the regime’s ideology. We had to face the consensus on sectarian quotas that goes from the top of the pyramid to its bottom. Please do not be surprised as the politicians’ agreement was initially made to nominate high ranking executive officials such as state secretaries, ambassadors, director generals, etc. The sectarian quota infiltrated our institutions so that they ended up appointing a Sunni janitor and a Shiite one for the sake of preserving sectarian balance. This ideological factor had its impact on research and on the academic programs, as well as on other cultural activities. Apart from very few exceptions, appointing heads of universities, or pursuing our studies, were directly affected by these practices: the candidate had to be approved by the Party, and even if he/she was not affiliated to the Party, he/she had to secure its support. That led to a phenomenon of exclusion, the Party excluding non-partisans, or the candidate him/herself excluding him/herself from the system, if he/she was not ready to abide by the dictated agendas.

Please allow me to talk about the weaknesses of the Social Sciences in Iraq. We have a deficiency, in the curricula. But I will talk also about the libraries and human resources. Many young faculty members were recruited, and attractive retirement packages were offered to incite older professors to retire. On the one

hand, this decision was a double-edged sword. From one side, this was a good thing to do, because frankly speaking, professors were too traditional and uninformed of new developments in their fields, but in some disciplines this was a bad thing because we had not learned enough from them yet. Newly-hired young persons are eager to learn; they show great learning capabilities, but they suffer from lack of basic general knowledge. I am an 'inbetweener.' When we were offered this great opportunity to come to LAU, we were enthusiastic and excited about it. But we have many lacunas: we do not have the necessary comprehension tools; we lack accumulated knowledge, and we are not fluent in foreign languages. For instance, if I am taught to do something, I will not be able to apply it, and this is because I did not study methodology. Methodology should be a subject to be taught to all social science students. But imagine, law students are not taught methodology. Economics students are not taught methodology; they just learn statistical planning which goes back to Saddam's era.

Things are on their way to change now; the will is there but it is time-consuming. I am on the committee in charge of changing the curriculum of the Arabic language. We did not hold a single meeting until now, but the positive thing about it is that the program was officially endorsed by the government although its enforcement is something else.

As for my expectations regarding the field of feminist studies, I would really have liked Dr. Lahay or Dr. Asma to discuss the matter as they represent the most prolific departments in research production. In the past, it was the departments of social sciences that used to take care of these studies theoretically and practically, but do not ask about the quality; it had to conform to the regime's ideology, of course. After 2003, many factors contributed to a rising interest in feminist studies, as if we were in a market. The young men's and ladies' inclination towards such studies increased with the advent of democracy, and this was encouraged by international agencies and organizations. So it was the young academicians who had to meet such demands, and I am referring here to the elite of course.

This trend looks like a fashion. In earlier times, we used to do structuralism and stylistics. It is trendy now to do feminist studies. I also see this as a great opportunity for the secular and the religious approaches.

My time is up, but let me please add one last thing. During the monarchy era, Faculties of Girls' Education were opened in order to meet social demands. Then these faculties were shut down because parents rejected co-education. Under Saddam's rule these faculties reopened, and now we have eight of them. The Ministry has decided recently to establish a woman's university which will house a center for feminist studies. Thank you.

**Dr. Hoda Elsadda:** Please welcome Dr. Noha who is going to talk about Lebanon, then we will open up the debate. We listened to the Iraqi experience, now we are going to listen to the Lebanese experience. Dr. Noha is a professor in the Faculty of Arts and Humanities at the Lebanese University; she is an expert in literary and cultural criticism and in women studies. She has published numerous studies, but I will not go over all of them, so the floor is yours.

Dr. Noha Bayoumi: Good morning, I am a member of the Lebanese Association of Women Researchers – *Bahithat*, and a great deal of my research was produced in cooperation with them. Recently, we published a book related to a conference we held: “Arab Feminism: A Critical Perspective”. The English version of the book came out in 2012, published by I.B. Taurus.

In the Arab world, *Bahithat* is known to be a pioneer publication because it has revolutionized the way in which research is done, departing from conventional and traditional ways. As far as gender studies in Lebanon are concerned, apart from some individual experimental research and reports produced by NGOs, there is nothing much to say. Gender studies do not exist in the universities’ curricula, unless it is done on the professor’s own initiative. For instance, while teaching a course on biographies, I am able to introduce some concepts to my students in an indirect manner. I cannot separate myself from my research, so it is via this subliminal way that I can merge myself with it. In many of my studies I came to discover the difficulties the researcher encounters while dealing with women’s issues. Usually we are mostly interested in the curriculum; we present it and discuss the underlying concepts, and we rarely look at the producer of such curriculum, because his/her work reflects his/her own perception of him/herself as a person, to which degree he/she is integrated in society. I have discussed this issue in many of my studies,



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and maybe the last time I did, it was in the previously cited book. So I think that any methodological approach is good, because it touches a vital part of our living experiences, and it sheds light on important aspects of our lives.

I do not want to discuss gender or feminism, because for me, any approach is valuable; the main issue here is that concepts interact in a harmonious way, not in a mutually exclusive manner. During the conference on Arab feminism, it became clear to us that gender studies are less important than the women's issues that are being thoroughly discussed by feminists at an international level.

Also, I do not consider gender studies to be a discipline on its own like history or literature. As a subfield, it is its main goal that counts, but we are getting away even from that. What is the aim of gender studies? It is about revealing facts, and pinpointing the change occurring in relationships. Lately, while doing my research, I sided with the key element, i.e., the researcher, because it is his/her degree of self-consciousness that determines the final outcome, as well as the conceptual framework. This is an issue I would like to stress today, particularly when it comes to young researchers who need special training sessions and not only on methodology and concepts, but they also need awareness sessions about the producer/production relationship, even though they claim to be impartial. However, I would like to raise some points.

To what extent is the researcher subordinated to the prevailing cultural norms and criteria so that the production of knowledge becomes accommodative and consensual? We have noticed that generally the researcher adapts him/herself to the society he belongs to; he/she just tackles whatever is available to him/her, and avoids what is not available, or cheats on it. Another issue is related to stereotypes which are making their way into research in a unintentional manner. That's why this matter should be studied more carefully.

One type of submission is to accept psychological violence exerted by *shari'a* laws and biased positive laws, particularly regarding family relations and the right of passing nationality to spouses and children. But I should not be making sweeping assumptions here, as I know that our societies are challenging these practices, and this is particularly true for Lebanon. Another aspect of submission would be to accept sectarianism and its grip on political life. We should be able to transcend the impact of religion and the state on our lives in order to accept others who are marginalized because they do not conform to our convictions. *Bahithat* has produced an excellent book on marginalization, abiding by cultural dictates for fear of exclusion, and overcoming the new social class hierarchy, etc., all these are additional forms of submission.

Our Arab societies are shaken by many crises, conflicts, and wars that affect the private and the public spheres, family, society and the state. Up until now, studies were unable to interpret this phenomenon properly, including the period covering the Lebanese Civil War. These studies were also unable to bring about any change to our political system. So our cognitive reference is poor, regarding ourselves and our societies. Whenever we have discussions, we discover from our conversations that

we are missing many important elements that are neither reflected in our studies nor in the books we read. I have been told recently by a friend the moving story of a traumatized 30-year old woman, who has been able to open up and talk about seeing her mother cheating on her husband (the girl's father) when she was only a few years old. The mother opened up to her daughter just one week ago, and admitted that she had an affair, adding that all the family, the father, mother, brothers and sisters, even the husband knew about it, but that he decided to forgive her after ending the extra-marital relationship, for the sake of saving their marriage. So, we discover that we have not produced such studies that explore this side of our society, because we are blinded by a stereotyped vision of society split into two types: either a conservative society or a society that is more liberal. But in fact, there are certain dynamics that we are unable to grasp.

The point is that the production of knowledge has to go through knowing ourselves, and I am not referring here to mere self-knowledge, but to an extended one that encompasses family, society, and groups. Actually, we are surprised by the wave of increasing violence in Lebanon as if it came out of the blue. The reason for that is the following: we are not making any connection between this increasing violence and the overwhelming prevalence of religious communities, politically speaking, but also socially and economically, hence the marginalization of all those who do not conform to the mould. This situation started a long time ago with the emergence of the militias that were metamorphosed into sectarian communities. Until now, we are unable to come up with a coherent political system that provides for all citizens, and hence can be considered as a reference. So with no political reference, legal reference, even a cultural reference, it is just normal to witness such an increase in gender-based violence, sexual harassment, and all these abuses that are being echoed by the media, and that are sometimes considered to be exaggerated. In reality such abuses are really happening, and some of us may even know some cases.

With the Lebanese civil war coming to an end, we were faced with a mounting wave of fanaticism instead of the tolerance that everybody expected, so violence and fanaticism are the characteristic features governing relationships. Gender studies have played a positive role in this respect in warning against what is happening within the available cultural limits, and the limits the researcher sets for him/herself. Therefore, it is important that the researcher develop his/her mindset in a way he/she does not let his/her previous perceptions influence the present, the same way inequitable laws or overwhelming political domination are doing. How are we going to assimilate the cultural and social phenomena in this critical period if we do not examine our position vis-à-vis fundamental issues that affect us, such as the sectarian state, or religion? How would we be able to understand segregation, violence, power relations, and the public/private sphere connections? We do not seem to be concerned with these issues.

Our societies tend to transgress taboos or try to navigate around them. Many studies have shown how women in particular navigate the barriers of law, the state, religion, and sex. It is the person who cannot secure his/her rights that attempts to maneuver around such barriers. Even men do the same, because some patterns of behavior are difficult to adopt on a daily basis. Lebanese young men and women have always

travelled to Europe and to the United States and we have, as you know, a great deal of skilled and educated people. How do they adapt to a regime that makes them feel alienated? They simply reject it. They have changed but we are not changing anything. They have made their new way of life, but we are unable to make any connection with the larger sphere of society.

Please let me discuss now the issue of *hijab*. Wearing the *hijab* used not to be a common practice at the university, but now a large number of girls are wearing it. The French section at the Lebanese University used to be *hijab*-free. But now a good 80 percent of female students are wearing it. Of course, I have nothing against the *hijab*; it is a matter of personal choice, but we are not able to understand it. Two days ago, I had a discussion with a colleague in the department. She said: "I have a veiled student who is open-minded, and is going to pursue her higher studies in France. She talks openly about the relationship she is having with her boyfriend in front of the class, and how far they have gone, and she is veiled. Is this not a contradictory behavior?" Some changes are happening and we are stuck with our preconceived ideas, unable to study them or to understand them objectively. We refer to them as contradictory issues, and that should be rejected. No, these are new phenomena occurring in our society that need to be more thoroughly understood.

It is as if our self-perception, along with our perceptions of present and past societies, as well as our beliefs are in constant ebb and flow. We are in a chaotic situation, not a creative one, but a destructive one that shuffles the cards. The danger comes from the researcher getting all confused and opting for more conservatism, and complying with patriarchy. Although many have opted for this pattern, few researchers have decided to overcome marginalization, and work underground in order not to be persecuted. As a final point, I maintain that we can transform our perceptions of society by transforming our own self-perception. We are stuck in a rigid belief system when knowledge is becoming more and more modern; our lives are changing drastically, and our perceptions and beliefs are changing unconsciously, too. This is the trio that we have to work on in order to achieve scientific, cognitive, and cultural knowledge. Thank you.

**Dr. Hoda Elsadda:** Thank you Dr. Noha. Before we start the debate, listening to your remarks and opening the Q. and A. session, I would like to highlight some relevant questions that I think will help us orient our debate. The first question is how we make the most of the produced knowledge in various Arab countries since one of the most serious problems that we face is the lack of circulation of knowledge, and of books. We do not have an 'Arab Amazon,' we do not have a centralized library that gathers all what has been produced in Arabic in the field of Gender Studies so that what is produced in Tunisia, becomes available in Iraq, and what is produced in Egypt becomes available in Syria. We just have made good attempts to establish specialized libraries, etc. but there is nothing concrete yet. This is an important issue, because if we are in Syria or in Lebanon or elsewhere, we might ignore what is happening in other countries, and we end up reproducing what has already been done, and so on.

The second issue I would like to raise, is that when we are talking about Gender Studies in any Arab university, we would like to know the major subjects that are

going to be taught, whether we are going to copy the western pattern, which is plausible – I do not intend to make an East/West dichotomy – but I think it should have different patterns in Arab universities.

Dr. Noha raised the issue of finding a consensual language that we agree upon and that we can use in the process of knowledge accumulation. I would like to mention here also that some of the challenges we have focused on do exist in the Arab countries in various degrees of importance. Almost all of what is available has been done on an individual basis most of the time, and we lack supporting bodies, although we have excellent institutions such as Birzeit's Institute of Women's Studies, one of the best in the Arab world.

Another question that Dr. Noha has raised and that I think is quite important is how we perform self-knowledge, social knowledge of society, and political self-knowledge? Another relevant subject would be how to deal with taboo issues. And finally, the gender approach that is the core of the relations of power in society, whether it is men/women relations or any other type of relation of power, rich/poor, etc. And I would like to recall the intersectionality issue that I brought up along with Nadjé Al-Ali and Dima Dabbous in the 2012 conference. When we are talking about gender we do not think about women alone, but its implications are much more far reaching; we are talking about the relations of power dealing with class, touching all groups in society. So, we have to take this intersectionality, deduced from your presentations, into consideration.

**Ms. Muzdha Mohammad:** Good morning, please allow me to clarify some issues about Kurdistan, as Dr. Nahla talked about Iraq in general.

**Dr. Hoda Elsadda:** Dr. Suad drew my attention to an important issue, that each participant introduce himself/ herself.

**Ms. Muzdha Mohammad:** I am Muzdha Mohammad, Head of the Social Work Department, Faculty of Arts at Salaheddine University, Erbil. I have not received my Ph.D. yet, but it is on the way, inshallah. Please allow me to talk a little bit about Kurdistan, because the previous presentations did not refer to it, and please excuse my poor Arabic but I learned it out of a personal effort.

First, I do agree with Dr. Nahla that the conditions were very difficult all over Iraq. After the uprising of 1991, most of us fled Iraq, the bombardments, the destruction, the genocide, the tragedy of al-Anfal, and the chemical war. Then there was the post-1991 period, of self-autonomy and the ensuing civil war. All of these factors contributed to the undermining of our standards of education, in addition to targeting women who were killed on their way to college. The international organizations that came to support women were accused of inciting them to prostitution. Until 1999, university professors were not getting paid regularly on a monthly basis; we received a certain amount of money every three months, so we had to sell some household articles to survive. After 1996, things started to settle down; we opened up to the world; we had internet, satellite, and foreign companies started to establish themselves. There was a will to move on; substantial development

was felt in all sectors, including universities; and we could say that by now we have reached quite a high level of education.

In addition to our public universities there are private, multilingual universities: French universities, British universities, American universities, a Lebanese-French university etc. We benefit from a cultural diversity due to the expertise of international professors in addition to Arab and Kurd professors. All this has paved the way for a great leap in the field of gender studies, that have become a sort of trendy fashion as Dr. Nahla said. So professors joined academic fellowships and missions and returned with new ideas. We do not have a Department of Feminist Studies, but recently we established a research center for Feminist Studies. There are professors in the Department of Sociology specializing in gender studies. We always try to participate in workshops and sessions held on gender issues; research is flourishing and we have received many books on the topic. International book fairs are on the rise, especially Egyptian, Lebanese, and Jordanian.

Unfortunately, the appointment of staff at universities depends on their political parties' affiliation. For instance, the president of the university and the majority of the staff belong to the same party. To become Head of the Department, I had to overcome many obstacles: young age, lack of political affiliation, unavailability of another candidate in the Department, so we are struggling with them.

As for legislation, our laws are somehow better than the central ones. Our MPs attempted to make some changes regarding honor crimes, for instance. In some other regions honor killings are given a light sentence, whereas in Kurdistan it is considered a premeditated act. So the rate of crimes of honor has decreased, but the other side of the coin is that we have an increase in the rate of women burning themselves. Are these really acts of suicide, or are these deaths by burning a cover-up for crimes of honor?

Another topic of interest is female genital mutilation which is considered an act of violence against women, but it is still a widespread practice in our rural areas, and many studies and workshops are trying to address this issue. We are also concerned with women's employment. Although the number of women who are joining the labor force is on the rise, women are performing low status jobs and it is really hard for them to reach high posts because of the prevailing patriarchal mentality.

Another matter of preoccupation for us is marriage. First of all, the legal age for marriage was raised to 16 years, on condition of securing the guardian's consent. This is a good development knowing that prior to this law, girls used to be married at the age of 9. But the drawback of this new situation, especially in rural areas, is that since courts are not authorizing marriages before 16 years, clerics give their approval to perform marriages with 12-year old girls, but then there is a waiting period of a few years until the marriage is registered. If a marriage is registered at the age of 18 for instance, the children who are born during these 6 years are deprived of their nationality and civic rights.

A second issue related to marriage is polygamy. The Parliament has limited the number of marriages to one, unless the husband secures the approval of the first wife

in court and leaves a certain sum of money for her as a guarantee. Polygamous men are stuck now with the prerequisite of the first wife's consent, and as we are in Erbil, which falls under the central government's legislation, they leave Erbil and go 90 km to Kirkuk and take a second wife.

**Dr. Hoda Elsadda:** I have a special request from all participants, please stick to the main purpose of this roundtable in your discussions which is sharing information about Gender Studies and particularly what can be done in this field in order to move on, what priorities to consider, especially that the situation in most Arab countries is not a favorable one. I can talk for an hour about the University of Cairo and our problems there, and believe me they are many, but this is not the issue. For example, off the top of my head, in this period of constitutional amendments and the modification of laws in all Arab countries, is it the right time to create a Gender Studies Program in the Faculties of Law, for instance? The point is that I would like us to emphasize the issue of Gender Studies. We have only 45 minutes left, and we are all in the same boat, as they say. It will be your turn, then Dr. Rend, then Dr. Moushira, Fatima, Lilia, and Dr. Nahawand.

**Dr. Liqaa Mussa:** Good morning, Dr. Liqaa Mussa, University of Baghdad. I do want to stick to the guidelines regarding the topics to be discussed, i.e., the relevance of Gender Studies in the Arab world, and especially in Iraq. I just have an objection concerning Dr. Nahla's presentation, because it was irrelevant, it depicted quite a pessimistic situation concerning Iraqi universities, so that I felt as if I had graduated from a dumpsite, not a college.

Iraqi universities are well-known for their concern with methodology. Our eminent professors graduated from prestigious European universities, and their focus on methodology is almost obsessional. When discussing M.A. or Ph.D. theses, especially M.A. thesis, we are very keen that our students adopt the proper methodology.

Having said that, violence has led to sectarian conflicts that made their way into the universities too, but this is no reason to believe rumors. I am sorry to tell you that the Sunni-Shiite janitor anecdote is no more than gossip, and does not reflect any institutional politics. I do not deny that there is such segregation, but not as widespread as depicted by Dr. Nahla. I do not want to discuss the matter any further, but I am sure that what is happening in Iraq is happening in other parts of the Arab world, because socially speaking, Arab countries are almost all alike, and we have noticed that from previous presentations.

As my colleagues have already said, Gender studies has progressed considerably. Professors have shown an increasing interest in the topic that is growing in importance, hence the rise in a number of relevant studies and conferences dealing with women's status and women-related stereotypes.

The most common topics are those concerning violence against women. After having consulted the available data in many studies, I found that most of the violent incidents were related to the rise of armed violence that emerged after the American invasion. I went through many studies that treated issues such as girls' kidnapping

and women's suicide. I also went through studies that discussed the wave of violence that targeted hundreds of women who were killed by armed extremist groups for various political reasons or for some *fatwas* coming from religious fanatic groups. The systematic killing of female employees, journalists, politicians, translators, freelancers, even politicians' wives or daughters, and the assassinations that were caused by religious fanaticism that killed 140 women in Basra, 150 women in Diyala, were analyzed in many studies. According to studies conducted between 2003 and 2006 about the assassination of academic women, 5 percent of them have been killed. We have studies on crimes of honor in Kurdistan and the related practices such as burning the victim, or throwing her from the top of the building, and the seemingly unintended 'run over' accidents. So the transitional period was mostly characterized by violence and this is the reason why most of the studies concentrated on this issue.

Other studies focused on the increasing number of widows in Iraq, their number and the repercussion of this tragic human cost on the country. The increasing number of widows in Iraq constitutes one of the most important consequences of war.

Some other studies have dealt with the issue of legal discrimination vis-à-vis women in the personal status law and in criminal laws. Other studies were commissioned by the Iraqi Ministry of Planning and the Ministry of Women's Affairs, and jointly assigned to Iraqi professors and to foreign professors who had to handle the sensitive question of the budget allocated to gender issues. This is actually the most widely debated topic inside the Iraqi government, as well as its most serious object of concern.

Other topics of interest are unmarried women and the tremendous increase in divorce rates over the last years where it has become a real social problem. Recently, the Ministry of Women's Affairs organized an international conference on the divorce issue. So, there is no doubt about the relevance of such studies, knowing the prevailing conditions in Iraq and the related problems we are suffering from.

As far as the challenges that researchers face, I think the most important ones are poor training skills, as well as researchers adopting extraneous points of view so that studies seem to be cut off from reality, hence less relevant.

Also, concepts related to gender and feminism are still ambiguous, and constitute a source of confusion to the academic circles, making the studies of these issues problematic.

Another challenge we are facing is related to statistical research that requires the awareness and the cooperation of various governmental authorities, but we are faced sometimes with top-heavy bureaucracy.

I would like to talk now about the conflicting points of view regarding gender issues and feminist studies, and the ensuing division that is taking place in the mindset of the academic elite. It is common knowledge that it is the middle class that constitutes the grassroots of society. In the 1960s, 70s, and 80s, the elite was mostly constituted of the liberal and secular middle class, but this is no more the case in Iraq, and

even everywhere else in the Arab world. Our new middle class has basically Islamic overtones. This segment of the population is increasing in number so that ignoring it and sticking to the secular discourse will simply create a huge gap. This struggle has reached the Iraqi universities and has affected the academic discourse.

The ideological conflict that was mentioned in previous presentations is there; academics are not sharing knowledge and are not concerned with offering society the best they can give; each person is sticking to his/her own convictions, accusing the other of ignorance.

A last point that I would like to make, please, is the split in the academic discourse: so we have a religious fanatic trend, and a consilient, participatory one, that represents Islamic feminism whose guides are Mohammad Abdo and Qasim Amin. This split is part of our academic life, and each professor has his/her own opinion. Personally, I am a follower of the participatory approach. I might disagree with a colleague, but this does not mean that I think he/she is wrong or ignorant since our ultimate goal is to bring about change, and change does not come with conflictual attitudes but with consultation and sharing.

**Dr. Hoda Elsadda:** I will ask all participants to limit themselves to one minute, because it is really unfair for the rest of us. I know that the Iraqi participants are the most important group, but we need to listen to other points of view in order to have a real debate. We need to have a discussion, so please go ahead.

**Dr. Fahima Rzaij:** Thank you a lot. I am Dr. Fahima Rzaij, professor of Forensic Sociology, Faculty of Arts, Baghdad University. I want to thank all the participants for their valuable presentations, Dr. Nahla was very pertinent in some places, and somehow dramatic in others. Concerning methodology, as Dr. Liqaa has said in her presentation, we are determined in the Department of Sociology, even in other departments to stress methodology. We do not approve any research, M.A. thesis or Ph.D. thesis, unless it complies with all the requirements.

As for including gender studies in our curricula, we offer one course on Women's Sociology in our department. Concerning the expansion of the already existing centers and universities offering sociology courses, social service courses and gender studies, as well as the opening of new institutions, we do encounter many difficulties in this respect. This year, we tried to open a Faculty of Sociology, dividing it into departments of gender studies, women's studies, and so on, but we faced many difficulties and we did not get a final approval.

Another important issue that was raised by Dr. Nahla is the economic embargo Iraq has faced, and that affected all of us. I just want to tell her that as professors we have a strong will; we all have to produce and to study; we have our research and our working hours.

**Dr. Hoda Elsadda:** Thank you.

**Dr. Fahima Rzaij:** I just have another point to add in reply to Dr. Noha. She brought

up the issue of the girl who saw her mother cheating on her father and said that we were in need of more studies in this field. My answer to her is that these issues are still considered taboo in our societies. For instance, when I hold a seminar that deals with incest, or trafficking in women, or transsexuality, or gays and lesbians, I am told: you are being bold here, Fahima, this brings us back to the issue of the professor's preconceived ideas, so imagine what the case will be in society in general. Thank you.

**Mrs. Rend al-Rahim:** Thank you for inviting me. I am Rend al-Rahim, I am the executive director of the Iraq Foundation. We have projects in Iraq, many of which are related to women's conditions. I have met colleagues here with whom I have collaborated for years. I am very pleased to listen to presentations on the Lebanese situation followed by those dealing with the Iraqi situation. The political situation and the power relations prevailing in Iraq are quite similar to those prevailing in Lebanon, as far as religious communities are concerned, sectarianism, etc., which is a good thing.

I have some remarks and I am more pessimistic than Dr. Nahla for two reasons. First, gender studies in Iraq are persona non grata; they are considered as a luxury, and if it were not for the lobbying of international bodies and organizations we would not have a Ministry of Women's Affairs, and the bill on quotas in parliament would not have passed. And this is not the result of the Iraqi statesmen's efforts, but because it is trendy, because the UN, ESCWA, and UNIFEM exerted pressure in this regard. So do not expect political support from the ruling political class; we are working against the grain.

Second, Dr. Nahla, you forgot to mention that our primary and secondary education standards are very weak. So what about the qualifications and the eligibility of those graduating students who are joining colleges and universities? Regardless of the quality of the professors, how are they going to have a good academic standing as long as the base is so full of lacunae?

Another issue I would like to discuss has to do with the mindset. You have to talk about the mindset and structural mindset problems. Academic missions abroad were resumed, but how many for humanities and social sciences as opposed to the scientifically-oriented missions? Even our prime minister has declared that our missions are going to be scientifically-oriented; we shall have graduates in medicine, engineering, and science, and so on. Not once have humanities been mentioned, although the humanities are part of the social fabric, particularly in our societies because it is the humanities that pave the way to tolerance, inclusiveness, etc., not sciences. I am speaking about Iraq. It is set that all the missions are going to target scientific fields of study and students majoring in them.

NGOs, we have done a lot of studies concerning women, gender-based violence, etc., but as we do not confine ourselves to women's issues. So, I have come to discover that we were wrong about choosing our researchers: the quantitative data collection is good, but the qualitative analysis is nil. I am neither an academic nor a researcher, so when I receive a number of figures and pile charts in lieu of the study I have

asked for, I always have to go back to the researcher and ask him/her to translate the figures and the pie charts into social facts, in order for me to have an insight into society and reality, and also rise beyond that to creating certain precepts.

Thank you.

**Dr. Hoda Elsadda:** This is an important issue, because when we talk about gender studies, we are talking in fact about the problems of social sciences and humanities in the Arab world, and it is a real problem that needs to be understood and addressed properly. I just want to add that the social sciences are in big trouble worldwide. There is an unusual global trend to shut down centers of social studies or social science departments. Recently, very reputable departments of philosophy have been shut down in England. It is true that this is a problem in the Arab world, but in fact it is part of a global trend, and it is something that has to do with some international political trends that value technocrats specializing in engineering and so on, and reduce the space allocated to social sciences, political science, and the humanities, which is the domain of people who think and those who are trying to bring change to society. So I think that we are being targeted. Please, go ahead Dr. Moushira.

**Dr. Moushira Khattab:** Thank you. Good morning everybody. I am Moushira Khattab from Egypt. I would like to thank Dr. Nahla as well as Dr. Noha for their wonderful presentations. Before I start my presentation, I would like to join Mrs. Rend al-Rahim in approving every word she has said, which is true for all Arab countries, not only for Iraq. The Iraq Foundation has done a great job, and it is a pity that she was given just two minutes; we would have liked to hear more about their achievements. Concerning us, as we are part of a roundtable, I think that the choice of participants is not fortuitous, so we are part of a brainstorming group here; rather than discussing our achievements, we should be trying to resolve the problems that face us, and they are many.

Concerning the prevalence of the scientific sections, I think that we are being hypersensitive about the issue. And what you were saying about Iraq is also true for Egypt. What has taken place in Iraq was a prelude to all what is happening all over the Arab world.

What you were saying about the deterioration of student-professor relationships is also true for us, and the same applies to the decline in the standards of education. So it is no use pretending that we're super-duper, and that we're fine. On the contrary, it is counterproductive to pretend that everything is fine, and praise the achievements in the Arab world where women's conditions are so miserable. Iraq did not emerge with the Iraqi war; Iraq is a very prestigious country, one of the most advanced in the Arab world, everybody knows Iraq. All of us are going through exceptional circumstances that have driven us to the abyss. We have made some progress in the democratization process, but as far as the quality of education is concerned, or allocations for education, or human development, we are definitely at the bottom of the scale.

I am going to answer now the three questions that were raised. First and foremost, where are we going to put women's studies? I do not agree to merge them with

the social sciences, because this is the reason of their decline. We are talking about laws, about rights; it is not that we are drafting new laws here, but we are dealing with human rights. Our biggest achievement is that we are talking today about legal obligations that are incumbent on the state. I am not begging because I am a weak woman, no. I am a citizen who is supposed to have the same rights as any other citizen. So we should be lobbying to include these studies in the Law Department and avoid the social sciences, because if I am going to include women in the social sections, I should include men too, and all the members of the family.

As far as the terminology is concerned, it differs too.

Also, I endorse what Mrs. Rend has said about data; we do have a problem with data. Egypt has grabbed the greatest number of studies, but if you are looking for disaggregated data revealing areas of discrimination you will not be able to find any. If you are advising any decision-maker where to invest money, you will not be able to do so. In Egypt we are talking about quite an important issue, that is the lack of targeting, so inspite of all this quantity of studies, we do not know where to act.

I totally agree with you that gender is the core of power relations governing society. And what Dr. Noha said about taboos is very important. We have to break the shell and say that women are human beings who have feelings, weaknesses, and strengths that we are not ashamed of. So if I were to give in and accept the prevailing social pattern, I will not do anything, I will not improve, so I have to break that pattern and move forward. As for the quality of education, we do not have much, so we should take the latest of what is done in Women's Studies from other centers in foreign developed countries.

As for methodology, I agree with you, we think of it as a formality more than anything else. Even if we talk about system analysis methodology or communication methodology, in fact, we do not care about methodology in our way of thinking, in our analysis, in the data collection, it is a mere formality for securing the approval of the thesis.

So, I repeat that we should be focusing on our defects. My time is up, thank you.

**Dr. Fatima Sbeiti Kassem:** I am Fatima Sbeiti Kassem, former Director of ESCWA's Center for Women and I am honored to have established it. I am going to start talking about the concepts as you have started with that, Dr. Hoda. Since 1995, while preparing for the Beijing Conference on Women, and even before that, we had suffered from the terminology issue. This challenge is not specific to Arabic, it is a controversial issue in French and in Spanish too, because in Spanish for instance, one of the meanings of género is a material. We held a workshop on that, discussing this terminology issue until 5 a.m., with linguistic specialists, sociologists, political scientists, and experts (although I concede that there is nothing called an expert on men's and women's issues). So we coined the term *annaw' al-ijtima'i* which is being used now. But we discovered that the public did not adopt it, because we had to explain and repeat what exactly *annaw' al-ijtima'i* is, even though it has been approved by the authorities in New York, and started to be used in studies and research. Personally, I do not use it in my research terms, just as I do not use *al-*

*jinsaniyya* (sexuality), or *al-gender* (gender), because it reminds me of the Lebanese *moujaddara* (a Lebanese dish with lentils and rice), so I use instead *al-fouroukat ma bayn al-jinsayn* (the differences between the sexes), and '*alakat al-qiwa bayn al-mar'a wal rajul* (power relations between men and women), because when you are talking about gender you are not just talking about women, you are talking about both men and women, and here we go back to the basic concepts.

Having said that, I move on to another issue, what do we expect from Women's Studies? We started in the early 2000s preparing a database concerning all Centers for Women's Studies, and the courses that they offered, based on what was available at Birzeit University's Institute of Women's Studies, and at LAU's Institute for Women's Studies in the Arab World, as well as at The Center for Women's Studies, University of Jordan, and then the project stopped. I think that one of the recommendations that we can come up with is to reactivate the project.

I am affiliated with the Institute for Research on Women, Gender and Sexuality at Columbia University. It is an institute similar to LAU's IWSAW, where we can start with an undergraduate curriculum, and then build on it. Also, I personally prefer the gender mainstreaming approach because I can be wearing the UN's hat, but even at the UN we have found a lot of difficulties in adopting this approach in our studies, although these were the Secretary General's recommendations to all organizations, and particularly to universities.

Dr. Hoda's question as to the place where gender studies should be located is quite relevant. As for the gender mainstreaming approach, it could be adopted on a temporary basis as Dr. Noha has suggested. The thing we did for the national machineries for women, and for the quotas could be done also for gender mainstreaming; however, without giving other alternatives, so that they should not be mutually exclusive, always keeping in mind the global picture.

The third issue I would like to raise is that of the database. While studying gender disaggregated data, we find that the majority of female university students are mostly oriented towards humanities and social sciences. But we are looking for diversity, so the directives recommend women's presence in fields such as sciences, architecture, business administration, and not only social sciences. I was surprised that some participants asked for reorienting them towards social sciences.

I highly approve of what Dr. Noha has said about self-knowledge, because the researcher is going to be definitely subjective, no matter how hard he/she tries to be objective in his/her studies. For instance, I have been accused of being anti-Islamic in my writings, whereas I was not talking about religion, rather, I was discussing religiousness.

I want to add a last thing about studies and research. Many studies are done in the field of gender studies. The whole UN is working on that, many countries too, but what would be an important thing to do is to collect all these studies, using all the modern means of communication, social media, and the virtual tools to foster the circulation of information, not only in universities, but also globally speaking. This is one of the most important things to do.

Please go ahead, Lilia.

**Dr. Lilia Labidi:** Sincerely, it is very interesting to hold this session. Sorry, I said that I was going to speak in French. Well, as you know it is a very, very important moment, and I have a feeling that we are not measuring the full impact of this historic moment on our generation. We should be keeping in mind that this is the most dramatic moment of our lives. Because when we look at the Arab world, it does not exist anymore, and we do not know what would become of the Arab world tomorrow; if Iraq will remain the Iraq we know; if Syria will be the Syria we know, if Lebanon; if Libya will remain the Libya we know. So this is a crucial historic moment. And when I am in Tunisia or in any other Arab country, I have the impression that our institutions are exactly in the same condition as that of our states, and that our universities, and even us, are no better. And when I listen to Dr. Noha, I tell myself this is fantastic to be able to talk about it now.

Why am I saying so? I am saying so, because we are faced with such a denigration of the person, such a lack of respect for individual thought that it becomes impossible for us to conceive a vision concerning our region. Look, for instance, do we just know what we are going to have for lunch? This is very hard for us.

I'll just make one remark that can be deduced from our conference, since all of us are concerned and responsible at the same time. There is a discontinuity in the debate regarding the level of intervention as well as the sources, which makes the production of knowledge very difficult, and this is due to the fact that we do not respect individual thought. We do not support the person who is producing this knowledge; we do not help him/her, or rescue him/her, or protect him/her. Protecting these persons is incumbent on our institutions, and if they fail to do so, these persons are bound to leave and go abroad. And that is what is happening; we have a lot of capable people who are leaving, including me; when I feel tired I think of leaving. There is something that is worrying me and that I want to share with you: knowledge is exactly like any other commodity, like oil, like phosphate, like the electronic devices that are produced by our young people that are so much sought after in Europe and the States. So, what is happening? We are participating in the brain drain that is taking place in our region. Our countries are being drained systematically at all levels, all disciplines. Look at me: when I publish in French, nobody reads, when I publish in Arabic, nobody reads, so I say to myself, I am going to publish in English, nobody reads, even in English, nobody reads. We are being marginalized, even when we produce in English.

So what are we doing? As intellectuals, we constitute a tiny minority which is contributing to the devaluing of our universities. We are 22 Arab countries, but how many of our universities are in the top 50 universities ranking worldwide? Not even one. This is really something.

I am going to end my presentation discussing the most serious issue. It is not over yet. Do you know what is the most disastrous thing? It is that wealthy Arab people are subsidizing programs of Arab Culture and Arab Studies in the United States, instead of financing our studies, so we are left to beg from foreign institutions. This is something unprecedented. Instead of investing in our universities and providing

our students with the means, not me, I am an activist who is financing the university out of her salary – but I want my students to avoid all the sufferings that we went through if we want to help them, if we want to have a generation of producers. So these wealthy businessmen, kings or others, do they have any ethics? By financing these programs they are promoting western universities at our expense.

Nowadays, knowledge is a commodity, and I admire the Asian people for having understood that. As I said, knowledge is a commodity like any other commodity, like oil, like oranges, like olive oil. But what is our position regarding this issue? All my life I have been doing gender studies, but there is such a discontinuity in our discourse, and this is so frustrating. So it is good to be discussing the issue, but it is not enough to discuss it behind closed doors in an isolated manner; we should be doing this in the West, or even elsewhere. I think it is time for us to change direction because there are so many resources in the Arab world, so much work that is being done here, and if we are saying that we are the bottom of the class that means this is our fault, because we are not using our brains. And what Dr. Noha has just said is fantastic, as fantastic as Virginia Woolf's *A Room of One's Own*. Thank you a lot.

**Dr. Hoda Elsadda:** Of course thank you for speaking frankly. Dr. Fadia, please go ahead.

**Dr. Fadia Hoteit:** Professor at the Faculty of Education at the Lebanese University, member of the Lebanese Association of Women Researchers – *Bahithat*. It is very difficult to add anything after what Lilia has said in such an expressive and true manner. It was very, very nice, and I totally agree with her. We do not have people who think, we just have machines, and this is our biggest problem. We are so full of ourselves when we think, but after all who are we to think? As Dr. Hoda has previously said, we as *Bahithat* have tried to introduce Gender Studies at the Lebanese University, and this was no easy task to do at the public university. We faced many obstacles. So we decided to incorporate it into the curricula, so that each professor is held responsible for introducing the concept into his class, as my colleague Dr. Noha has previously said.

Also, I would like to build on what my colleague Dr. Noha said and I think that is quite important: to what extent are we choosing our topics, how genuine and relevant they are, or is it a mere trend that we are following, as was said in previous presentations? Sometimes we are just following a trend instead of choosing topics of interest, so that doing a study becomes a mere formality. We are not that enthusiastic about it because the topic is not related to our culture. Therefore, many of the gender-based studies are void and meaningless. I did a study published by *Bahithat* on the issue of content which leads us to the following conclusion: when focusing on methodology studies it is a mere formality, because we are not concerned with knowledge here; we are just doing research for the sake of research.

I think that gender studies and women's studies are two different things, so trying to incorporate them in the same center is not a good idea. Sometimes, connecting them so closely is not in favor of the gender studies program, because male students or professors might feel excluded when we are tackling women's studies. So we have

to be careful in a center of gender studies to offer topics that are not necessarily or primarily or uniquely related to women's issues, in order to promote them in our universities. Also, I think that it is a great idea that the center for Women's Studies is independent from the various faculties, as is the case with IWSAW. As Dr. Hoda said before, this would be a good thing to do, on condition that it does not just focus on Women's Studies, but also encompasses other topics such as social classes, social standards, poverty, and wealth.

Another suggestion would be to offer an interdisciplinary Master's Degree which is a modern trend of doing research, independently from the Faculty of Social Sciences and that of Education. I also suggest that we open up a little; the center should be multinational, or Arab- oriented, not just Iraqi or Egyptian or Lebanese, so we benefit from the expertise of various eminent scholars. And with the advent of the new technologies and means of communication, such as the digital media, internet, and skype, we are able to communicate and work more easily.

I would also like to mention that I recently attended a conference at the Lebanese University titled: Numérique et Humanité (Mankind and the Digital Era). It tackled the issue of digital culture becoming so intertwined with Humanities that the researcher is no more the only person in charge; the digital designer is also an essential part of the research, and the engineer who develops computer programs too. This should give us an idea about the new direction the Humanities are heading, following a new paradigm, off the beaten track.

**Dr. Nahawand al-Kadiri:** I am a professor at the Faculty of Media at the Lebanese University and a member of the Lebanese Association of Women Researchers – *Bahithat*. I am sorry I am late; I missed my colleagues' presentations, and maybe I have no right to take part in the debate. My colleague Fatima asked me to talk a little bit about *Bahithat*, but I will be talking about *Bahithat* at the end, not at the expense of my time.

I would like to present here a concise summary of my experience. As a member of *Bahithat*, I worked on a study in collaboration with Suad Harb about female and male broadcasters at Télé-Liban entitled 'Female and Male Broadcasters: Research into Roles and Positions.' We did not mention that we have adopted a gender-based approach in that study for fear of producing shock. I also contributed with *Bahithat* in issuing a yearly collection of books. Besides I worked on a study entitled, 'Towards Empowering Women in Media to Achieve Equity between Men and Women Citizens: "An analysis of a sample of 'Women and Media' and 'Women and Law' studies in Lebanon 1995-2007' that was implemented by the Hariri Foundation for Sustainable Human Development. I found this study very interesting, even more interesting than gender studies. In fact, we need such types of efficient research in the Arab world, because it reveals many of the weaknesses that exist in the field, in addition to paving the way for further studies. My suggestion here would be to give studies a second analytical reading, in order for us to address any eventual weakness, and to choose the direction to be taken.

So, my teaching experience, my contacts with the students, promoting the gender-based approach, all these elements combined have boiled down to the following.

First, a distinction should be made between the activist and the researcher. We have a tendency in the Arab world, especially when it comes to associations and organizations concerned with women and gender issues to confuse the two, so that activists might be commissioned to do studies. In fact, the researcher has his/her own role, questioning the various concepts, and coming up with conclusions, so that the activist reacts accordingly until it is the turn of the media to transform it into a public issue. We have missing elements in this context that need to be examined.

Another point I would like to raise is that we should differentiate between method and methodology. Concerning the approach, we might use the descriptive method or the statistical method, but when it comes to methodology, it is the whole. In methodology we have the method; we have the hypothesis, the approaches, and the coherence linking all these elements. And here we reach the bottom point: studies produced by the universities in the Arab World. As far as the form is concerned everything looks fine, the hypothesis is clearly defined and so on. But when we start looking into more details, such as the way these hypotheses are put together, the extent that these hypotheses are aligned with the method, with the study tools, and efficiency in boosting the dynamics of the study, the end result that we are confronted with is sterility. People think that studying abroad is enough, or that doing a study is fine as long as its form is fine, but this is not true; we need working brains, and this is a severe matter.

A third issue I would like to talk about, as did earlier my colleague Fadia, is that we can no longer look at the social sciences from a unilateral approach. So this is the reason why the LMD system (Licence, Master's, and Doctorate) was coined, the reason why the interdisciplinary approach is sought after, and why the diversification of approaches and the intertwining disciplinary concepts are so important.

So we come here to the importance of the gender-based approach. I always tell my students that the gender-based approach is a plus to any study and constitutes its main dynamics. Therefore, we should be promoting the use of the gender-based approach to any topic, to poverty, or... or... and not just confining it to women's issues, as it becomes meaningless. I had the opportunity of assessing many studies that had gender as a main heading. But they turn out to be quantitative studies talking about women, so where is gender? These gender studies become meaningless if they are confined to women; they become meaningless if they are merely quantitative. Gender should not be associated with numbers and quantities: the number of women MPs doesn't tell us anything. Studies are meaningless if they are merely descriptive, or if they are out of context, because it is only when figures are analyzed in their context that we can grasp their full meaning. For instance, we keep talking about women in the labor market, and then we end our discussion on a negative note. For instance, and I am giving here an example from Lebanon, we do not pay attention to the changes in mentalities that is occurring in our society, as far as females' employment is concerned. Nowadays, many young Lebanese girls are leaving their home country to join other expatriates in the Gulf States or in other foreign countries for work. This phenomenon of parents accepting their daughters going abroad and living on their own, is quite a significant shift in mentalities, and is worth mentioning, not just as figures and statistics.

Let me say one last thing about gender, please. Gender is a complex concept that has to do with many issues, such as inequality, security issues, and changes that are happening all over the world. We are not paying enough attention to the transformation occurring in the public sphere, to the borders that used to separate the private sphere from the public sphere that are shifting now. With modern technology invading our homes and families, these borders are being redefined; there is no private sphere anymore, since women and children are now exposed to the public sphere. So, everything is on the move now, and this situation of constant change hates immobility, descriptive modes, figures and numbers. Thank you, and sorry for talking too much.

**Dr. Hoda Elsadda:** I would like to thank all participants, and I really would have liked to have more time. I am going to conclude this session with some closing remarks.

First of all, the problems that we face while establishing new programs of Gender Studies need always to be considered in their regional or international context, whether we are talking about trends in doing studies, or sources of funding that limit academics' scope of action, orienting them in a specific direction. These are universal complaints that are not specific at all to Arab universities. The difference between the two situations is that, in our case, we would have liked to benefit from more local or regional sources of funding.

The second issue I would like to talk about concerns the challenges facing the production of knowledge in the field of Women's Studies. Another matter of importance would be what Dr. Lilia has mentioned when knowledge becomes any other commodity, a good deal of it is constantly changing. So whenever we are talking about a booming production of knowledge in the Arab world, there should be progress happening somewhere. Also, as we have tensions and conflicts in politics, the same is true for the production of knowledge, and this is what we call the geopolitics in the production of knowledge. Many related issues are quite important too, such as who is producing knowledge, for whom knowledge is being produced, and the purpose of this production. These are very important questions when it comes to gender studies, because they are first and foremost related to individual power relations, the countries' power relations, and power relations among conflicting groups.

As for the location, i.e., the appropriate place to establish a program of gender studies, some of us were in favor of the Faculty of Law. Dr. Fadia said that the center should be an Arab-oriented one, open to other cultures, and this is a very important issue, hence we would be promoting the Arabic language, as well as an endogenous production of knowledge, but of course without isolating ourselves from the rest of the world, as we are very much in need to benefit from the works that are being done in the field at the international level. So the location issue is an important one, and we find that in some places things are easier to achieve than in others. In western countries, the best departments to offer Gender Studies are the Departments of Foreign Languages and Literature and those of Social Sciences. As far as Arab universities are concerned, and here I will be talking about Egypt, we do not have

a proper program of Gender Studies, we just have curricula. The greatest interest in gender comes from the Department of English Language and Literature and the Department of French Language, probably because these departments are those that have the greatest exposure.

As for exchanging data, we need to have a circulation of research as Dr. Fatima has mentioned about data collection and the e-publishing process. I would like to draw your attention here to how The Women and Memory Forum is establishing a specialized library in Women's Studies and in Gender Studies that gathers all of what has been produced in Arabic in card catalogues, and my Iraqi colleagues know about it already. The idea behind it is to collect data and then to publish it. I also know that the Arab Women Organization has a similar project and they are actually working on it, but honestly speaking, I am not aware of the latest details.

One last thing before leaving, I would like to end the discussion on a controversial note. Dr. Nahawand wants a distinction to be made between the researcher and the activist. My suggestion is not to make such a distinction; we want the producer of knowledge to remain connected to his/her study, so this distinction needs to be reconsidered in the academic context.

**Dr. Nahawand al-Kadiri:** What I wanted to say, is that a researcher can complete both tasks: he/she can be a researcher and an activist, but an activist cannot be a researcher. I remember a long time ago, I collaborated with Noha and Fadia working on a study about NGOs dealing with gender issues in Lebanon, and Fatima was then in charge at ESCWA. At the end of the study, we discovered that those NGOs working on gender did not have a clue about the concept.

**Dr. Hoda Elsadda:** We agree to disagree.

Thank you all for your valuable input.

