Arab Countries and CEDAW

Reports on the Situation of CEDAW in the Arab World

An Interview with Nawal Al-Saadawi

Civil Marriage: Between Fiction and Reality

The Dream of Equality
ABOUT IWSAW

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

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

PROJECTS: IWSAW activities include academic research on women, local, regional and international conferences; seminars, lectures, and educational projects which improve the lives of women and children from all sectors of Lebanese society. The Institute houses the Women’s Documentation Center in the Stoltzfus Library at LAU. The Center holds books and periodicals. The Institute also publishes a variety of books and monographs on the status, development and conditions of Arab women, in addition to Al-Raida. Twelve children’s books with illustrations, and two guides, one of which specifies how to set up children’s libraries, and the other which contains information about producing children’s books, have also been published by IWSAW. In addition, the Institute has also created income generating projects which provide employment training and assistance to women from war-stricken families in Lebanon. The Institute has also devised a “Basic Living Skills Project” which provides a non-formal, integrated educational program for illiterate and semi-literate women involved in development projects. Additional IWSAW projects include: The Rehabilitation Program for Children’s Mental Health; Teaching for Peace; and the Portable Library Project. The latter project was awarded the Asahi Reading Promotion Award in 1994. For more information about these or any other projects, write to the Institute at the address provided below.

ABOUT AL-RAIDA

Al-Raida is published quarterly by the Institute for Women’s Studies in the Arab World (IWSAW) of the Lebanese American University (LAU), formerly Beirut University College, P.O. Box 13-5053/59, Beirut, Lebanon; Telephone: (01) 867-618, ext. 288; Fax: (01) 791-645. The American address of LAU is 475 Riverside Drive, Room 1846, New York, NY 10115, U.S.A.; Telephone: (212) 870-2592; Fax: (212) 870-2762. e-mail: iwsaw@flame.beirut.lau.edu.lb

PURPOSE AND CONTENT: Al-Raida’s mission is to enhance networking between Arab women and women all over the world; to promote objective research on the conditions of women in the Arab world, especially conditions related to social change and development; and to report on the activities of the IWSAW and the Lebanese American University. Each issue of Al-Raida features a File which focuses on a particular theme, in addition to articles, conference reports, interviews, book reviews and art news.

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

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

THE ANNUAL SUBSCRIPTION FEE FOR AL-RAIDA IS US $30. SUBSCRIPTIONS BEGIN IN JANUARY AND END IN DECEMBER.
TABLE OF CONTENTS

2 Editorial
5 Opinion
6 Research
7 Quote, Unquote
9 Newsbriefs
10 IWSAW News

37 Women’s Rights in Islam and the Content of CEDAW (Lebanon)
40 Report on the Situation of CEDAW Case Study: The Republic of Sudan
45 Recommendations Presented by the Participating Countries
48 Salma Khan: The First Asian Woman to Chair the CEDAW Committee
50 Civil Marriage ... Between Fiction and Reality

52 Nawal Al-Saadawi: Renowned Egyptian Feminist
55 A Woman Flying the Plane!
57 A Conference Report: With Wisdom, Wit, and Resistance Women Weave a New Europe

52 CEDAW in the Arab World and the Reservations Presented by Arab Countries
28 Implementation of CEDAW in the Arab Countries: Analysis of Reservations (a case study of six project countries: Egypt, Jordan, Lebanon, Sudan, Morocco, Tunisia)
32 The Situation of CEDAW in Egypt
35 The Arab Woman’s Legal Situation and CEDAW (Morocco)

61 The Forgotten Queens of Islam
63 Salwa Nassar as I Knew Her

Cover Painting: “The Dream of Equality” oil on canvas, by Mónica Cortez.
Many of us will always remember Laure Moghaizel’s funeral, and the sight of her coffin carried over the shoulders of women into Sayyidat al-Mukhallis Church in Beirut, an unprecedented though very telling act that sums up the feelings of love, gratitude and loss that most Lebanese women felt on the death of this remarkable woman. May 25, 1998, marks the first anniversary of the death of Laure Moghaizel, the prominent Lebanese lawyer and activist. This is an occasion to remember a woman who has done a great deal for the cause of women’s rights, a woman whose achievements in the domain of human rights will always be recollected with a sense of wonder and awe. Over the past year she has left a void and a gap that could not be filled, and, we as Lebanese women, have missed her staunch support and her unequaled sense of commitment to women’s rights and human rights.

Far from seeing any contradiction or disparity between human rights and women’s rights, Laure saw them as inextricably bound. For her, there “cannot be human rights without women’s rights, nor can there be women’s rights outside the framework of human rights.” In her opinion, equality between man and woman is meaningless under a sectarian non-democratic regime where “poverty, ignorance, violence, occupation, detention, backwardness, deprivation” and all that is inconsistent with man’s basic dignity affect equally both men and women. This broad “humanitarian” perspective that insisted on the rights of all human beings whether male or female sums up Mrs. Moghaizel’s struggle for justice and equality.

In the eyes of many Lebanese, Laure was not only a legal authority, but, to use the words of Mrs. Nayla Mouawad, an “example” and “a person who was known for her wide knowledge and right convictions and was thus respected by people all over the world.” She was always a strong believer in justice and equality. As a lawyer she undertook an awareness campaign to enlighten citizens and particularly women of their rights. She was out to fight and eradicate “legal illiteracy” as she referred to it. For this purpose, she issued two guidebooks for the working woman and the Lebanese citizen consecutively. As she asserted in an interview with Al-Raida, “we, in the Lebanese Association for Human Rights have carried out a comprehensive campaign to introduce and explain the law to Lebanese citizens, to inform them about their rights, and more importantly, to teach them how these rights should be used.” To begin with, “the citizen must become aware of his or her rights; second, the citizen should learn how he or she can practice these rights; and finally, citizens must learn how to amend the deficient
Laure knew that there was a big difference between passing a law and actually implementing it. That is why as member of a Non-Governmental Organization for Human Rights, she, along with her husband, Mr. Joseph Moghaizel, undertook the task of monitoring the Government regularly and ensuring that the law was being implemented. This was done by conducting studies, carrying out investigations, and writing reports to the concerned ministries. In war time, she fought for peace and challenged the militias by organizing, along with a large group of other women, a peaceful demonstration in protest against the violence and merciless killing of innocent civilians in Lebanon. The demonstrators marched all the way to the demarcation lines that separated the two warring sectors of Beirut carrying lit candles and calling for a peaceful and united Lebanon. Other demonstrations were staged including one in particular organized by the Democratic Party and the Non-Violence Movement (both founded by Laure and Joseph Moghaizel) in coordination with the Lebanese Society for the Disabled. The demonstration covered Lebanon from the very north to the south and lasted for three days, in protest against the violence and senseless killing.

If she was raised in a family that believed in women's rights and that provided her with the best opportunities, whether at the educational or social level, she was never complacent about it. While realizing that "we are a few lucky women" in a society where the majority of women remain underprivileged, she felt that it was her duty to give the help and assistance needed. She had a strong sense that education is a "treasure" that must be utilized in the service of others. Since she was fortunate enough to belong to a family that gave her both love and education, she believed that she owed it to others to give them what she felt was their due. Therefore, she fought hard to help implement laws that can give women their legitimate rights for she was convinced that a nation cannot progress with half its population marginalized and virtually unproductive because of ignorance and backwardness. Since in her view, equality and justice are essential for any progress or prosperity, she was determined to fight for her convictions and for the cause she believed in.

Laure was a strong believer in democracy and a secular state. In her view, what "hinders the development of our laws in Lebanon is the fact that our system is sectarian," and the only solution is the establishment of an optional "(non-compulsory), unified civil law." With her absence, Lebanon has lost an active and staunch supporter of a truly democratic and secular state in Lebanon.

Born in 1929 in Hasbaya (South Lebanon), her career as a pioneer and fighter started off as early as the mid fifties in Law school. Being one of a handful of women enrolled at the St. Joseph University, Laure joined other students in the demonstrations that were taking place. On one of the student fronts she met Joseph Moghaizel, whom she later became her friend and beloved husband. Together they formed a harmonious and indefatigable team in the service of human rights. They were, as Wissam Abu Harfoush put it, "a couple in a home whose concerns revolved around the country, whose dreams were those of humanity, and whose cause was equality." It is very difficult to scan Laure Moghaizel's amazing achievements. A daring and determined woman, she was active in a number of committees and associations. In 1953 she participated with other women in the formation of the Lebanese Woman's Council and was one of its most prominent members. She was member of 37 committees and associations both Lebanese, Arab and international all dealing with women's and children's rights, family planning, democracy and human rights. She was the founder of 13 committees and organizations that were directly involved in 31 conferences on women over the span of 50 years (1945 to 1996). Together with her husband, they founded the Democratic Party in 1970, whose political bureau consisted of four men and three women. Among the party's basic priorities was the demand for women's political rights. They also founded the Human Rights Association and the Non-Violence Movement both of which aimed at eradicating internal barriers in a war-torn and divided country.

As early as 1947, they began their lifelong struggle that consisted of monitoring, surveying and studying all laws that needed amendment, addition, or cancellation, and undertook the task of convincing or trying to put pressure on the government to take action. Laure was the first Arab woman to be appointed to the United Nations Committee for Human Rights and was instrumental in pressuring the Lebanese government to sign and ratify CEDAW in 1996. She also served as Vice-President of the Federation of Arab Women and Vice-President of the National Council of Lebanese Women. She was member of many committees and associations including the Committee for the Amendment of the Penal Code (1970), the Association of Women Jurists, the Association of Lebanese University Women, the Lebanese Association of Family Planning, the Lebanese Association of Human Rights, the National Council of Lebanese Women, the National Commission of the UNESCO, the Lebanese...
Delegation to the Regional Conference on Human Rights (1968), the Lebanese delegation to the Mexico Conference (1975), the Copenhagen Conference (1980) and the Beijing Conference (1995). She was also member of the Arab Council for Childhood and Development, the Arab Association for Women and Development, the official delegation to the United Nations Conference on the International Woman's Year, the Official Lebanese Commission to the Regional Conference in Preparation for Beijing (1995), the Non-Governmental Organization for Human Rights, the Abolitionist Federation, the National Commission for Lebanese Women headed by First Lady Mrs. Mona Hraoui and many others. An amazingly resourceful woman, she was also the author and co-author of 13 publications on women’s rights as well as human rights. She also worked for equality when it came to women’s political rights, inheritance, and work and participated in a vast number of conferences at the national, regional and international levels.

If Laure devoted her life to the struggle against all forms of discrimination and fought for pressing public issues, she never forgot the importance of private life and her basic role as wife and mother. If she appeared detached and strictly guided by rationality, she was equally involved and sympathetic. In fact, this generally undetected amount of love and care that she possessed were the driving force behind all the public work she accomplished particularly her tenacious and unfailing support of the underprivileged, notably women and children. This humane and emotional dimension took precedence in her relationship with her family. After all Laure was a mother of five children, and according to her daughter, Nada, she perfected the very details of her daily life at home. Laure was totally devoted to her family. As a child, Nada asserted, her mother read poetry to her, and introduced her children to literature and the arts, and was always ready to listen to them and involve herself in the minutest details of their daily lives. There was dialogue in the Moghaizel home and a great deal of respect. The children never felt that things were dictated to them. They were taught that their opinion mattered, and in this way, they learned how to be active participants rather than passive receivers. That’s what gave them self-confidence, a powerful sense of respect for the opinion of others, and a strong belief in democracy not only at the public level, but also at the private and personal level. Her daughter Nada told me that it was this kind of dialogue that shaped her own personality and made her the person she is.

For Laure, her life at home was extremely important. According to her daughter Nada, Laure treated her husband as a perpetual “guest of honor.” She always returned home before him and was such an excellent cook and perfect hostess that one of her friends remarked that “if one watches you in a demonstration, he will think that you have no time for anything else, and if one sees you at home, one assumes you are a full-time housewife.” This was the wonder of Laure Moghaizel, her ability to excel in everything, the ability to give everything and everyone their due. She was an ever flowing spring of bounty and giving.

My mother was an “elegant woman” says Nada. She was always impeccably dressed up not only outdoors, but at home, a sign of respect for her husband and children. Even when she lost her daughter and then her husband, Nada asserted, “she was elegant in her mourning.” She grieved alone and saw no reason to trivialize her very deep emotions and feelings. Even when she fell ill, she maintained this moral elegance and lived through her pain with control and dignity.

It is clear from the sheer scope of the work she has accomplished that Laure Moghaizel devoted her life to social equality, and political justice, and dreamed of a society free of tyranny and oppression. As Abu Harfoush puts it, “it is obvious that Laure wanted her country to be a copy of her own family, where love, equality, solidarity and mutual respect reigned supreme. The woman who carried the problems of human beings, particularly women, over her shoulders for over fifty years deserved a special farewell, but more importantly, she deserves a special pledge from all of us to follow in her footsteps and carry on where she had left.

Samira Aghacy
Professor of English
Lebanese American University

ENDNOTES
1- Interview with Al-Raida, XII (Summer-Fall, 1996), p. 23.
3- Quoted in Nayla Mouawad’s tribute to Laure Moghaizel in the newspaper Al-Nahar (May 27, 1997), p. 20.
5- See ibid., p. 24.
6- Ibid., p. 24.
7- She married Joseph Moghaizel in 1953.
8- Abu Harfoush, op. cit., p. 20.
9- Ibid., p. 20.
By Lina Alameddine

In this article I would like to put forth my perspective on feminism. I do not claim to hold a universally acceptable vision nor do I claim to hold the solution to the undeniable gender gap that exists in many dimensions of our daily life. I simply want to present my ideas concerning this multi-dimensional issue as they stand today within the framework of my personal experiences.

As a result of the Lebanese civil war, my Lebanese identity is not as pristine as it should be, and many of my ideas have been borrowed from the ‘west’. However, wherever I find myself, feminism to me, never ceases to mean: equal rights and equal treatment. If you believe this, then you are a feminist, whether you are a man or a woman. In my opinion, it is that simple. I do not understand why so many people here and in the United States cringe at its mere mention. Feminism, on its own, carries no political, religious or economic statements. There is nothing to be afraid of in being a ‘feminist’, and yet I have talked to so many who ridicule it, run away from it, or give it none of their daily attention. I am aware that with the feminist question, there exist complex issues in relation to the prevailing cultural, economic; and political conditions. However, equal rights for all humans should have the strength to surpass these details.

In the United States, I attended an all women’s college. There, I was quickly taught the value and necessity of women supporting women from all spheres and from all walks of life. Despite our many differences, we share one commonality that we all need to embrace: that of our gender. I strongly believe in diversity. However, I think we should be aware of its danger in dividing us into smaller weaker factions. In the case of the feminist quest for equal treatment, I believe that strength is attached to numbers. Despite our race, religion, sexual preference, class, age, nationality, cultural experiences, political persuasions or favourite animal, as women, we need to learn to come together to form a cohesive, and thus stronger voice. There is a certain underlying irony in the fact that we notice all the inevitable differences about ourselves but are oblivious to the most visible similarity: that we are all women!

Furthermore, I believe we need to extend this ‘feminist’ voice to the public world where men exist. The battle is not intended to be heard solely by those who are aware of its intentions. There is no point in preaching to the believers. More than anyone else, we need to work on educating, and raising awareness amongst the males in our lives. In order for women to succeed on a macrocosmic scale, they need to assume individual responsibility in upholding their view points on a microcosmic level. Men need to know what it is that we are aiming to change, rather than allowing them to perceive us as angry women lacking any substantial cause. I have found that the most effective way of addressing women’s issues to men is by approaching the subject on a more personal level. Men are more likely to pay attention to issues such as rape or eating disorders if they personally know of a woman related to them who has endured such a fate. Unfortunately, such examples are only too easy to find. In order to mutate the system, we need to educate those who are unaware of their situation and present to them alternative scenarios. I believe that it is very important not to impose values on others who hold a different perspective or that are not ready to change. To be loud-mouthed and unrelenting in our point of view is counter productive, and may be more harmful than beneficial. I have learned not to be discouraged by the idea that change in the current situation of women is not going to occur overnight.

I believe that feminism should work towards attaining a ‘peopleism’ level. In order to mutate the prevailing patriarchal system, men and women need to join hands to establish a more equal society. Feminism should no longer be the sole concern of liberal women. There should be room for equality between genders in all societies, regardless of class, culture, religion or political affiliation. Both men and women need to be given the freedom to choose their actions. If a husband would rather stay at home and take care of the children, then that is a personal choice he should be allowed to make without feeling the shame imposed on him by neighbours. As women, we also need to free men from the responsibility they carry of being the ‘bread bearers’. By this I am not saying that I believe women should always be the ones providing for themselves, but I do believe that men are as much victims of the patriarchal system as we are.

In my opinion, feminism will never achieve anything if it remains solely in the hands of those who know what it means. We need to educate everyone, men, women, children and all must join hands together for the most basic human cause: equal treatment, equal choice and freedom from all shackles. So, once again I urge everyone of you to re-consider your notion of feminism because it is no longer ‘cool’ to mock it or run away from its mere mention. All it means is that there is some humane feelings within your soul, so express them — - PLEASE!
Recent Publications


Filmmakers Library

**Why God, Why Me?:** This multi-award winning documentary about childhood sexual abuse portrays the life story of victims who grew up never feeling safe in their own home. The film presents us with several women recalling their childhood sexual encounters with adults. Although the film is emotionally compelling it contains no graphic, sexual or violent scenes. The major portion is a gripping narrative by one survivor who suffered abuse from several relatives, beginning in early childhood. She also shares with us her pain at discovering that her own husband was abusing their daughter.

**Daddy's Girls:** This film examines the special bond between father's and daughter's. It depicts the enormous impact fathers have on their daughter’s lives and portrays several women whose relationships to their fathers have been pivotal in their lives.

Purchase orders must be sent to - Filmmakers Library, INC., 124 East 40th Street, Suite 901, New York, NY 10016 Tel: (212) 808 4980 Fax: (212) 808 4983

Conferences

A conference entitled “Out of the Margin 2” will take place in Amsterdam, the Netherlands from 2-5 June, 1998. The conference, organized by the IAFFE Summer Conference, which challenges both the theory and methodology of the economic theme from a gender perspective, tackles four main themes namely Identity and Difference, Equity and Efficiency, Beyond the Market, and Globalization. It aims to bring together new and innovating insights from various disciplines to contribute to the development of feminist approaches to economics. For more details, contact the Out of Margin Conference Bureau: Brekend Vaatwerk Tel: (3120) 6247 - 743, 6253 - 114 Fax: (3120) 6384 - 608 E-mail: E.R. Kuiper@inter.nl.net

The Second Annual New York Women's Film Festival is designed to celebrate the growing presence of women filmmakers in today’s cinema by providing an annual forum for new and unique talent. The festival will nurture both emerging and experienced women filmmakers from around the world. It will take place on Wednesday, April 22-26 in New York City. For more information visit the New York Women's Film Festival site at http://www.nywfilmfest.com/

G.I.R.L.S. Conference is an annual event held in Boston that celebrates girls’ achievements and increases awareness about issues of importance to girls. All the planning of the conference is done by girls and young women, who work collectively and take a proactive role in addressing social issues. Last year 150 girls attended the conference, and this year, we expect 300. G.I.R.L.S. targets girls between 11 and 18. The conference will take place on Saturday June 6, 1998 at Simmons College, Boston Massachusetts. For more information contact Marie at (617) 482 1078 ext. 232 E-mail: girlsconf@ptgirlscouts.org

Foundations for the Twenty-First Century: Scholarship, Activism, Community June 10-14, 1998 Oswego, NY.

One-hundred fifty years after 68 women and 32 men assembled in Seneca Falls, NY., to sign a Declaration of Sentiment that initiated a new, activist phase of women’s rights movement, the National Women’s Studies Association convenes in nearby Oswego to ponder that legacy on the eve of a new millennium. Join the NWSA in New York June 10-14, 1998, as we look to the future. To observe the 150th anniversary of the Seneca Falls convention, theorists, scholars, and activists are invited to explore the legacy, advance the agenda, and create networks to sustain women’s rights activism into the next century. Plenary topics will be: “Feminist Science Education: Towards Interdisciplinary Knowledge and Practice”, “Beyond the Sex Wars: Sex Work and Feminism Into the Twenty-First Century”, “Activism”. In addition to the primary conference, an embedded conference on “Women’s Rights Around the World: Past, Present and Future” will be co-sponsored with Women’s Rights National Historical Park in Seneca Falls.

For more information on the embedded conference, contact: Vivien Rose, chair 1998 Embedded Conference Committee Women’s Rights, National Historical Park Seneca Falls, NY 13148 (315) 598 - 0007 E-mail: VIVIEN_ROSE@NPS.GOV

For more information on the 1988 NWSA conference, contact: NWSA 98 Women’s Studies Programs University of Nevada-Las Vegas 4504 Maryland Parkway Las Vegas, NV 89154-5055 E-mail: ecrose@nevada.edu fax: (702) 895-0850
Why do men avoid taking responsibility for patriarchy? In the simplest sense, most men don’t realize that patriarchy exists and therefore don’t know there’s any responsibility for them to take in the first place. Also, the path of least resistance for members of any dominant group is to see themselves as not having to do anything. The status quo is organized in their image and in their gender interests. Why, then, change it? Why question, much less give up, what they’ve got and risk other men’s disapproval, anger, and rejection, not to mention feeling disempowered, diminished, and “softened” to a position of equality with women? And why should they do this when they may not feel terribly good about their own lives in the first place?

(Ms. Magazine November/December 1997 p.60)

“I was raised by a mother that never had the western education that I have, but she went about the business of living and survival every single day of her life. She never hesitated to use the tools at her disposal to demand and obtain what was rightfully hers. Her children, her husband, her family (extended as well), were her world. She, like millions of African women, will never know the education that I have, but she went about the business of living and survival every single day of her life. She never had the western education that I have, but she went about the business of living and survival.”

( Canadian Woman Studies. Spring 1997, Volume 17, No.2, p.146)

The ARAB WOMAN is a most fascinating creature. Is she veiled? Is she not veiled? Is she oppressed? Were her rights greater before Islam? Are her rights greater after Islam? Does she have a voice? Does she not have a voice? Book titles and book covers in the West tell part of the tale: behind the veil, beyond the veil, veiled women, partially veiled women, voices that have been heard, voices that are waiting to be heard, and on and on. Advocates of opposing sides unceasingly cheer one view or another. ... This futile dialogue on gender and women has long attracted the West. The image of women languishing under the yoke of Islam titillates the Western observer and permits him to place himself in the superior position. Women and their role become a stick with which the West can beat the East.

(Fedwa Malti-Douglas, Women’s Body, Woman’s Word: Gender and Discourse in Arabo-Islamic Writing, 1991 p.3)

“On one occasion he hit me all over with his shoe. My face and body became swollen and bruised. So I left the house and went to my uncle. But my uncle told me that all husbands beat their wives, and my uncle’s wife added that her husband often beats her. ... One day he hit me with his heavy stick until the blood ran from my nose and ears. So I left, but this time I did not go to my uncle’s house. I walked through the streets with swollen eyes, and a bruised face, but no one paid any attention to me. ... It was as though they were blind, unable to see anything. The street was an endless expanse stretched out before my eyes like a sea. I was just a pebble thrown into it, battered by the waves, tossed here and there, rolling over and over to be abandoned somewhere on the shore.”


“Reductions in health and child-care services mean that women must assume even greater responsibilities in these areas. Cuts in educational services usually fall on adult literacy classes for women or on the extension of schooling for girls. Where schools are closed and the distance between home and school is increased, girls, who must help with household tasks, have less opportunity for education. Elimination of food subsidies, falling wages and rising prices reduce women’s spending power as food providers, and they must daily cope with the sheer survival needs of their families. ... women are both producers and carers; they care for children, for old people, the sick, the handicapped, and others who cannot look after themselves. They serve the household with food, cleanliness, clothing, and in many cases water and fuel. As long as these jobs are done by women, they are not assigned any economic value, and their expansion is therefore taken for granted in times of economic adjustment. When food prices rise and wages fall, a woman must spend more time finding ways to satisfy her family’s hunger, traveling further to cheaper shops or markets, preparing cheaper food, and often eating less herself in order to feed her husband and children.”


“To explain the dichotomy - it is one which I have been observing and puzzling over for many years - one has to come to terms with another dichotomy, which I have also puzzled over and which I have finally rejected as invalid, misleading, and full of a clouding series of mythologies which have obscured historical vision and have utterly blotted out common sense. This false dichotomy is precisely the one which pits ‘modern’ against ‘traditional’ women. In this vision a ‘modern’ woman is usually and loosely, not to say carelessly, defined as one who is ‘educated’, and/or ‘working’, and/or ‘well-dressed’. I use
each of these words with self-conscious caution as they are, though apparently simple and naive, in fact loaded with hidden meanings and are responsible for half the falseness of the false dichotomy. The ‘traditional’ woman, in this same view, is often but not necessarily wearing national costume, or, if she is a Muslim, even hijab; she looks after home and children, and is dependent on her husband for her livelihood. The variations in these formulae are endless; what remains constant is the fuzzy thinking and governing mythology.”


“We active women must be out in the streets, plan how to continue the Intifada, build relations with other groups, face the secret police, and mobilize other women, and we also have our duty at home, do all the household work, are responsible for everything. If your husband is a conservative man, he puts his legs up, reads the paper and develops himself. I can’t struggle against the occupation if I need so much strength in my struggle with men. If the active woman don’t raise the social question, who should raise it then?”

FROM GERMANY
WOMEN'S BOOK OSCARS
Twenty-three feminist writers were awarded the first “Women's Book Oscars” in October this year at the world's biggest book fair in Germany. An International panel consisting of women from seven countries chose non-fiction books that have "changed the world over the past 25 years." Among the winners were Kate Millet's Sexual Politics, Gloria Steinem's Outrageous Acts and Everyday Rebellions and Germaine Greer's The Female Eunuch.

(Ms Magazine
January/February 1998 p.17)

FROM TURKEY
VIRGINITY TESTS AND SUICIDE
Recent suicide attempts over forced virginity examinations by five Turkish girls who were ordered by the director of their state foster home to undergo the test after returning late to their dormitories one night has sparked public outcry. The girls aged 12 to 16 took rat poison and then jumped into a water tank rather than face the tests. Yet, they survived and the virginity tests were carried out in their hospital beds. Women's rights activists and human rights activists are infuriated by such mandated medical examinations. Human rights Minister Hikmet Sami Turk is currently leading a campaign to ban such tests, except in court cases involving sex crimes.

(Daily Star, Thursday,
January 29, 1998 p.5)

FROM THE NETHERLANDS
HYMENOPHORY OR
RECONSTRUCTING VIRGINITY
According to a report which featured in the British Medical Journal, doctors in the Netherlands are reconstructing the hymens of young women who visit their clinics terrified of the consequences in store when they fail to prove themselves virgins when they marry. Such an issue raises ethical considerations for Dutch doctors who are ready to operate even though there is no medical need for treatment and in the knowledge that they are effectively conspiring with the women to deceive a spouse and his family. The justification is that such an act saves the women from shame, physical violence, and from possible expulsion from the community. According to some researchers many immigrant groups insist a woman must be a virgin when she marries. "If the bride cannot show her bloody sheet after the wedding night, her family may exact revenge in the form of bloody reprisals and banishment of the bride." "Because of these far reaching consequences, many gynaecologists in the Netherlands are willing to reconstruct the hymens of adolescent girls' who are no longer virgins but who wish to appear so."

(Daily Star, Monday,
February 9, 1998 p.10)

FROM LEBANON
PLANS TO RENDER HONOR CRIMES PUNISHABLE BY LAW
In commemoration of the late Laure Moghaizel, Lebanese lawyer and human rights activist, the Lebanese Women's Council organized a conference which was attended by a crowd of 500. During the celebration Justice Minister Bahij Tabbara declared that he had presented the cabinet with a draft law to render crimes of honor punishable by law. His decision to present the draft law was a token of respect for Moghaizel. "I am convinced that presenting the law at this time in particular expresses the respect and appreciation we all feel to the efforts Laure Moghaizel made with other activists to support women's rights as inseperable from human rights." According to Tabbara, “Giving amnesty to a person who committed a crime of honor only encourages people to take the law into their own hands - an act which no longer coincides with the legal system adopted in Lebanon.” Article 562 of the penal code currently pardons a man if he surprises his wife, one of his relatives, descendents or a sister practicing adultery or pre-marital intercourse and kills or wounds one of the two without premeditation.

(Daily Star, Saturday,
March 7, 1998 p.3)

GOOD LIVES FROM AROUND THE WORLD LAURE MOGHAIZEL RECOGNIZED BY MS. MAGAZINE
Eugenie Anderson, 87, Democratic organizer and first U.S. woman ambassadord.
Nora Beloff, 78, British journalist, first woman political correspondent at the observer
Toni Carabillo, 71, U.S. cofounder of the Feminist Majority and NOW leader
Gail Davis, 71, U.S. actor who played Annie Oakley, trailblazing television cowgirl
Diana, Princess of Wales, 36, humanitarian
Jane Warner Dick, 91, early advocate for the rights of immigrants and the mentally ill in the U.S.
Nancy Dickerson, 70, pioneering U.S. television reporter
Muriel McQueen Fergusson, 97, first woman speaker of the Canadian Senate, crusader for women's rights
Emily Hahn, 92, U.S. author and adventurer
Laure Moghaizel, 68, Lebanese lawyer and feminist activist
Mumeo Oku, 101, Japanese suffragist and consumer rights advocate
Mina Rees, 95, U.S. mathematician and first woman president of the American Association for the Advancement of Science
Baroness Seear, 83, British politician and advocate for employed women
Betty Shabazz, 61, scholar, activist, and African American community leader
Mary Louise Smith, 82, U.S. Republican advocate for women's and gay rights
Brigadier Dame Mary Tyrwhitt, 93, founder of the Women's Royal Army Corps in Britain
Annie Wauneka, 87, Navajo medical crusader and first female legislator of the Navajo Nation
Nancy Woodhull, 52, U.S. activist-journalist

(Ms Magazine
January/February 1998 p. 21)
Funded by UNIFEM, the Institute for Women Studies in the Arab World - Lebanese American University - held two training sessions on 15-16 and 29-30 December 1997, introducing an educational action program, The Basic Living Skills Program, a program designed by the Institute to counteract social illiteracy among women. The training was held at the Social Development Training Center of the Ministry of Social Affairs and was carried out over two sessions. Each session included twenty six trainees undergoing an Auxiliary Social Worker Program. The participants were trained on health issues, child care, home management, civic education, family planning, nutrition, environment and legal rights. The participants also acquired techniques related to adult teaching and the procedure of social survey.

Emotional Problems in Children and Adolescents

Marking the fourth visit of Dr. George Awad, a Canadian Lebanese Psychiatrist, the Institute for Women's Studies in the Arab World - Lebanese American University - organized a series of workshops for social workers and educators in Lebanon. Awad conducted training sessions at LAU - Beirut campus between February 16 - 20, 1998. The focus was on two subjects: Emotional Problems in Children and Adolescents, Attachment and Separation Disorders. In Sidon, the training took place on February 27 - 28, 1998, focusing on the Effect of Violence on Children and Adolescents, and Child Abuse (domestic and sexual). Seventy nine social workers and educators representing 40 organizations and foundations from Beirut and the southern regions of Lebanon benefited from these workshops which supplied them with special skills required to work with children and adolescents suffering from psychological problems. Evaluation questionnaires were distributed at the end of each session to obtain feedback as to the value of these training sessions. Reactions were very positive and encouraging. The participants felt the importance of such training for their professional development. Dr. Awad also gave a lecture entitled Freud and Psychoanalysis: Are they Relevant in Current Arab Thinking? for students, faculty and staff at LAU, Beirut and Byblos. Dr. Awad will carry another series of workshops in the coming two years, as part of a long term project funded by the Canadian International Development Agency (CIDA) and organized by the Near East Cultural and Educational Foundation of Canada (NECEFC).
The present file deals with the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). It starts off with a paper entitled “Rhetorical Strategies and Official Policies on Women’s Rights: The Merits and Drawbacks of the New World Hypocrisy” which attempts a general overview of the issue at hand. The file also includes a number of important papers that were submitted to the Regional Workshop on the incorporation of the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) into the Curricula of Law Schools. The workshop, held on 14 to 16 October 1997 in Beirut, was organized by the Regional Office of the United Nations Children’s Fund (UNICEF) in the Middle East and North Africa and the Lebanese University. The workshop is the second regional event of a UNICEF project sponsored by the Swiss Government. It builds on a first regional workshop held in 1994 by the UNICEF Regional Office and the International Law Association. The meeting recommended the incorporation of CRC and CEDAW into the formal curriculum materials of law schools in selected Arab countries. These are Egypt, Jordan, Lebanon, Morocco, Tunisia, and Sudan.

The objectives of the Beirut Workshop were:
- to raise awareness, in and through universities, in participating countries on the two conventions - their content, implementation, and monitoring procedures;
- to review the current status of teaching the two conventions in law schools;
- to develop model syllabi and curricula for incorporation of the two conventions into law school curricula in participating countries.

The Convention on the Rights of the Child (CRC) was adopted by the United Nations General Assembly in 1989. The Convention quickly became the most widely and rapidly ratified of all UN treaties, and it is generally regarded as one of the most important human rights instruments ever. CRC is essentially a universal declaration that sets out the minimum that we can offer our children; through its universality, it establishes that all children have specific rights and that no child is less worthy than another.

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) entered into force on 3 September 1981. It is considered the most comprehensive treaty on the rights of women, as it covers a wide scope of issues related to women’s rights. The Convention reminds the international community that all human rights treaties concluded by the United Nations and its specialized agencies entitle men and women to enjoy equally the rights they enshrine. To date, CEDAW has been ratified by 154 states including eleven out of the 22 members of the League of Arab States. These countries are: Jordan, Algeria, Camoros, Iraq, Kuwait, Morocco, Tunisia, Lebanon, Libya, Egypt, and Yemen. The reservations of the Arab countries are based on two counts: the incompatibility of some of CEDAW’s articles with religious laws as well as with legislation. The implementation of the articles of CEDAW is a requirement for all ratifying countries that report on the progress achieved to a committee that has been especially established for this purpose.

It is important to point out in this introduction the commonality between CRC and CEDAW:
- both conventions have many identical concerns, notably protection and assistance to children and women. However, many scholars do not agree with this commonality, since it puts women and children in the same category, which means marginality and submissiveness for women.
- both conventions highlight the same principles. Among these, we have the concept of the family as the main societal unit; the concepts of freedom, justice and peace; the concept of non-discrimination; and the differences among societies, cultures, and religious groups.

The papers selected for inclusion in this issue of Al-Raida are primarily those related to CEDAW, as they are of direct interest to the overall objectives of the magazine.

The recommendations of the workshop highlight the need to incorporate both conventions into, not only the curricula of law schools, but also that of other university faculties, notably Social and Political Sciences. It is only by instilling a spirit and a culture of human rights among young people that we can ensure these rights and work towards their translation into real practices.

Adele Khodr
UNICEF
RHETORICAL STRATEGIES AND OFFICIAL POLICIES ON WOMEN’S RIGHTS:

THE MERITS AND DRAWBACKS
OF THE NEW WORLD HYPOCRISY

By Ann Elizabeth Mayer

Many countries that have ratified or acceded to the CEDAW treaty have entered reservations. Indeed, as has been pointed out in a recent article, more reservations ‘with the potential to modify or exclude most, if not all, of the terms of the treaty’ have been entered to CEDAW than to any other convention. It is acceptable under international law to make reservations to a treaty, but a state is not supposed to make reservation that are incompatible with the purpose of the treaty. Rather than doing so, a state should simply decline to become a party to the treaty. In the case of Muslim countries, vague ‘Islamic’ reservations have been entered to CEDAW that appear to be incompatible with its propose. However, the governments involved seek to convince the world that their reservations are not incompatible with the goal of achieving equality for women.

The objection made by Egypt in 1981 to Article 16 of CEDAW at time of its ratification merits examination. Article 16 provides for the equality of men and women in all matters relating to marriage and family relations during marriage and upon its dissolution. Egypt sought to justify its reservation to this article by a longer than usual explanation. (Letters have been added in brackets to Egypt’s explanation to facilitate identifying passages that will be analyzed subsequently.)

[a] whereby women are accorded rights equivalent to those of their spouses so as to ensure a just balance between them. [b] This out of respect for the sacrosanct nature of the firm religious beliefs which govern marital relations in Egypt and which may not be called in question and in view of the fact that [c] one of the most important bases of these relations is an equivalency of rights and duties so as to ensure complementarity which guarantees true equality between the spouses. [d] This is because the provisions of the Islamic Shari‘a lay down that the husband shall pay bridal money to the wife and maintain her fully out of his own funds and [e] shall also make a payment to her upon divorce, [f] whereas the wife retains full rights over her property and is not obliged to spend anything on her keeps. [g] The Sharia therefore restricts the wife’s rights to divorce by making it contingent on a judge’s ruling, whereas no such restriction is laid down in the case of the husband.
A few aspects of the hypocrisy and twisted logic in this statement deserve special attention. Egypt equated its laws governing personal status with 'firm religious beliefs' that are sacrosanct and cannot be questioned. However, a distinction can readily be made between Divine Law itself and Egypt's own laws. The latter are obviously subject to alteration at the wish of the government, having changed considerably since the beginning of this century and having been altered in 1979, at the time the CEDAW text was being finalized, and twice in 1985.

Contrary to Egypt's assertion, the shari'a rules in Egypt's personal status laws are sharply at odds with the principles of male-female equality. Its shari'a based rules uphold the traditional patriarchal family unit, in which the husband is the master and the provider and the wife is a dependent subject to his control. Thus, as in other patriarchal systems, the 'balance' in the rights of the spouses is sharply tilted in the husband's favor. The section following [a] speaks as if it were self-evident that the difference in treatment of men and women in Egyptian personal status law is 'just.' In fact, the justice of the patriarchal scheme they embody has been vigorously contested. As is well known to the government, Egyptian feminists do not accept that these laws are just; they have challenged these laws and called for their reform, and debates over whether and how these laws should be reformed have raged in public for years. Similarly, the claim that these laws guarantee 'true equality' in the section after [c] is debatable, since, certainly, nothing like actual equality is being afforded. To agree one has to assume that women are naturally suited for roles as dependents and homemakers, and men suited for the roles of masters and providers, so that the discriminatory treatment mandated by Egyptian law makes women as equal as they should be. This entails accepting ideas directly at odds with Articles 5 of CEDAW, which calls for elimination of practices and prejudices based on the idea of the inferiority or the superiority of either sex or stereotyped roles for men and women.

The section following [b] speaks of shari'a law on women as if it offers a single, settled, and definitive model of family law that was obviously binding on all Muslims and cannot be called into question. This is not true. Since the early centuries of Islam the Qur'anic verses and the hadith affecting women's rights in the family have been subject to a wide range of diverging interpretations by Islamic jurists, with the interpretations of Sunnis and Shi'is particularly at variance. As great as the variety of interpretations has been in the past, it is even greater today. Many contemporary Muslims find the juristic interpretations made in the pre-modern period inadequate and reject them as no longer binding. Over the last decades a growing feminist literature has added a fresh layer of interpretations and new insights that go well beyond the liberal reformist interpretations introduced in the late nineteenth century. At the same time, fundamentalist ideologues are reinterpreting the Islamic sources in ways that affirm their vision of the way Islamic precepts should apply to the problems of modern life. There is enormous interpretative diversity on the question of what the Islamic sources mandate in terms of status for women.
This diversity is reflected to some extent in the diversity in personal status laws in contemporary Muslim countries. Some essentially embody medieval juristic interpretations; others have selectively modified and updated aspects of old shari'a rules. Turkey has gone so far as to discard Islamic law altogether. Egypt has personal status laws that embody an in-between position, comprising some modest reforms to the pre-modern shari'a. The Egyptian personal status law reforms have been criticized by Egyptian feminists and by conservatives, albeit from different perspectives. There is no national consensus that Egypt's personal status law, as reformed embodies the perfect restatement of shari'a principles. The fact that the government has made a number of changes to its personal laws, is itself an indication that it does not in reality consider shari'a law immutable. In addition, Egypt does not accept the binding force of shari'a law in other domains. If Egypt really followed the principle that it has to retain shari'a laws because they were religiously mandated, one would expect Egyptian law to follow shari'a across the board; but Egypt long ago discarded Islamic law in favor of French-inspired law except in personal status matters. This is in fact one of the grievances that Islamic fundamentalists invoke in their challenges to the religious legitimacy of the government. In these circumstances, it was strange for Egyptian spokespersons to talk as if Egypt were inextricably bound to follow Islamic norms. Sections [d] and [f] misrepresent the nature of the exchange involved in a shari'a marriage - the truth is that the husband's financial obligations vis-a-vis his wife correlate exactly with his superior rights and his legal prerogative to demand sexual submission and obedience from her. That is, the man's dower payment and support obligations are the basis of the inequality of the spouses and the wife's inferior position. Moreover, in section [f] there is no acknowledgment that, regardless of the theory that the wife is not obliged to support the family, under present economic conditions in Egypt, wives generally do find that they also have to work outside the home and to contribute their earnings to the family - though this has not been reflected in an adjustment in the husband's superior rights. Indeed, even where the wife is the sole breadwinner in the family, the husband retains his superior legal rights, which proves that no principle of balance and complementary in rights and obligations is actually in effect. That is, Egypt was deliberately obscuring the discriminatory character of its laws. What happens upon divorce is also inaccurately represented. Contrary to the claim following section [e], as Egyptian law now stands, the husband does not always have to pay the wife when they divorce; sometimes he owes no payment and sometimes the wife pays.

The statement in section [g] speaks as if it were self-evident that the husband, who theoretically bears the financial obligation of paying the bride price and maintaining his wife and his family, should have an unrestricted right to divorce, whereas the wife, theoretically his dependent, has to establish grounds before a judge in order to obtain a divorce. However, one could easily turn this proposition on its head and say that the wife, who is presumably generally the financially more vulnerable partner and who often will get a very paltry payment upon divorce, is the one who is most exposed to hardship and most likely to see her livelihood suffer upon divorce. That being the case, any restraints on ending the marriage should, in the interests of equity, apply at least as strongly to a divorce sought by the husband as they do to a divorce sought by the wife.

What Egypt asserted in this disingenuous explanation of its CEDAW reservation was in essence that, although shari'a rules did not accord men and women identical treatment, they essentially achieved the male-female equality mandated by CEDAW, albeit by a different route. Of course, this necessitated misrepresenting elements of Egypt's law and steering the discussion away from issues where Egyptian law too obviously violated the principle of male-female equality. Polygamy and inheritance law (according to which women are given one half the share of a male inheriting in the same capacity) were not mentioned. This deceit and evasiveness proves that Egypt had no real confidence in the sufficiency of its shari'a justifications for denying women equality. If Egypt had such confidence, it would not have needed to misrepresent the features of shari'a law that discriminated against women but would have simply stopped after saying that Egypt followed a divinely inspired law and therefore did not care whether or not its law were in conformity with CEDAW. Of course, doing this would have meant acknowledging that Egyptian laws conflicted with the international human rights norm of equality, which Egypt was not disposed to do. It seems that appeals to the shari'a were merely tools in Egypt's efforts to confuse observers and mute international criticism.

Morocco emulated Egypt in the reservations it entered upon acceding to CEDAW in June of 1993. Morocco is eager to advertise in the West its progressive policies and the advances that Moroccan women have made, and it wanted to enhance its image by ratifying CEDAW - but, naturally, only subject to major reservations. Morocco said that it would apply provisions of Article 2 to the extent that they did not conflict with the shari'a, without specifying what that would involve. Morocco expressed reservations with regard to Article 16 provisions, and especially the one on the equality of men and women in respect of rights and responsibilities on entry into and at dissolution of marriage.

Like Egypt, Morocco was not prepared to acknowledge that an intent to allow discrimination lay behind its reservation. Like Egypt, Morocco ignored the changed economic realities that required women to contribute their wealth and earnings to keep the family going and that resulted in households where women were the sole breadwinners - without any corresponding adjustment in their rights. It admitted that certain provisions of the Moroccan personal status code accorded women 'rights that differ from the rights conferred on men' but insisted that these rules could not be
entrenched in Moroccan custom and law were not to be explained solely in terms of a concern to effect a perfect equilibrium. Like Egypt, Morocco did not deal with areas where the discriminatory character of shari'a rules was undeniable. For example, the Maliki version of the shari'a followed in Morocco permitted a woman's guardian to consent to marriage on her behalf, thereby allowing him to contract her to a husband whom she did not want to marry. Morocco avoided mentioning the rule that a woman's consent to her own marriage was not required because a rule like this all too clearly revealed women's subjugated status. According to Morocco's rhetoric, the disparities in the treatment of men and women were to be explained solely in terms of a concern to effect a perfect equilibrium. Patriarchal controls over women that were entrenched in Moroccan custom and law were not to be acknowledged.

The Moroccan reservations indicated that the duty to abide by shari'a law stood in the way of adhering to international human rights law, as if it were beyond the capacity of the state to modify shari'a law. However, Morocco, only a few months after making these reservations, changed the mudawwana, its shari'a-based code of personal status law, to make reforms that, although modest, broke with shari'a tradition. For example, after the reforms, a guardian could no longer contract a marriage on a woman's behalf without her consent. Also, the husband could no longer unilaterally decide whether his household would be polygamous; the first wife was given the right to terminate her marriage if he married a second time. In addition, the husband forfeited his right to unilateral extrajudicial repudiation; he could only obtain a divorce before a judge after an arbitration proceeding before a conciliation commission.

After the 1993 Moroccan personal status reforms, Najat Razi, the president of the Association Marocaine des Droits des Femmes, clearly expressed her dissatisfaction with the level of equality women had achieved, saying: "Discrimination is maintained, and the Mudawwana is still in part contrary to the international conventions." Her formulation is revealing. Men supportive of the Mudawwana see - or pretend to see - a harmonious equilibrium in traditional shari'a precepts; the Moroccan feminist view is that, even as modified, the personal status law remains discriminatory and unacceptable under international standards.

Not only did the 1993 modifications in Morocco's personal status law show that shari'a rules in Morocco were not above change, but the direction of the changes in the rules on polygamy and divorce showed that the supposedly perfect balance in the rights and duties of the spouses in shari'a law was not longed judged acceptable, even by Morocco's conservative, male-dominated government. It was noteworthy that the shari'a rules on divorce requiring women but not men to obtain a judge's ruling to divorce, which Morocco in June of 1993 had presented as part of the perfect shari'a balance, were among the rules altered only a few months later. Moreover, these changes in the Moroccan divorce law showed that a Muslim country sharing Egypt's rationale for making its reservations to CEDAW could conceive of the husband's right to divorce in Islamic law as being subject to a kind of regulation that, according to the Egyptian view, was inappropriate in the light of the husband's financial obligations to his wife under the shari'a.

Morocco also followed Egypt in failing to acknowledge the cleavage between traditionalists and feminists on the question of women's rights. Anyone who knew the positions of Morocco's vigorous feminists was aware that the positions being articulated by Moroccan representatives at the UN did not represent their views. Moroccan feminists acted as though their right to claim the benefit of universal human rights norms supporting women's equality was a given. This feminist perspective is one that any sincere advocate of human rights would endorse, since modern human rights law assumes that denials of human rights under domestic law violate international law, which is the controlling standard, and that all states have the duty to bring their domestic legislation into conformity with international human rights law. For Moroccan's feminists, adopting CEDAW principles and adhering to international law seem to have been primarily conceived in secular terms, as a challenge to male vested interests in maintaining the patriarchal and discriminatory norms of Moroccan law. Some showed little interest in quibbling over whether rules of Islamic law would be violated by CEDAW, while others showed a
disposition to deny that authentic Islamic teachings were incompatible with women's equality.10

The contingency of local interpretations of Islamic requirements is strikingly illustrated in the Tunisian case. The status of women in Tunisia is relatively good and Tunisian personal status law is the most advanced in all the Arab countries. Polygamy was ended in 1956, and divorce is available to men and women on an equal footing. Adoption, unequivocally barred in shari' a law, was legalized, and inheritance law has been reformed. That is, shari' a principles that Egypt and Morocco invoked as immutable were overridden by Tunisian legislation in the 1950s. Nonetheless, Tunisian personal status law remains by self-designation 'Islamic,' and Tunisia invoked Islam, albeit indirectly, in 1985 when entering its reservation to CEDAW Article 2.11 Since Tunisia still retains some discriminatory features of shari' a law in its code of personal status, the implication seemed to be that the shari' a principles that had been retained in Tunisian law were immutable. But after entering its 'Islamic' reservation to CEDAW, Tunisia then proceeded in 1993 to enact new reforms to some of the remaining shari' a-based rules in its personal status laws, not eliminating all discriminatory features, but making some additional progressive reforms.

In what sense, then, can it be said that shari' a law is an impediment to the reform of domestic laws to make them conform to the principles in CEDAW? The various national formulas of shari' a law obviously only constitute an obstacle to legal reforms for as long as the men in power choose to retain them as the law of the land. Whenever governments decide that changes are in order, shari' a rules give way to government-sponsored initiatives, even if the latter conflict with Islamic precepts.

Kuwait made several reservations to CEDAW, only one of which related to Islam. It refused to give women the right to vote or to transmit their nationality to their children and said that it was not accepting the CEDAW dispute resolution mechanism. Kuwait also claimed that, Islam being its state religion, it could not accept CEDAW provisions on equal rights for men and women in matters of guardianship or adoption of children. That is, its version of what was objectionable from an Islamic standpoint had little in common with the Egyptian or Moroccan versions.

Kuwait added further confusion when it signed CEDAW in February of 1994 but entered reservations that were substantially different from those of other Arab Muslim countries. Kuwait objected to the provisions that gave women political rights (women in Kuwait are not allowed to vote), women's right to give their nationality to their children, and equal rights for both spouses in child custody decisions.12 Only the last was related to provisions in shari' a law. That is, Kuwait's reservations did not follow a particularly Islamic pattern, even though Kuwaitis are overwhelmingly Muslim and Kuwait's personal status law is theoretically based on shari' a law. Seen in relation to the laws in other Muslim countries, the reservation on women's voting rights seems particularly odd, since even a self-proclaimed Islamic state like Iran allows women to vote. On the matter of passing on nationality, Kuwait and Tunisia differed, too, for in 1993 Tunisia had changed its law to allow Tunisian nationality (a Western concept unknown to the shari' a) to be passed on by the mother under certain conditions.13

Obviously, there is no consistent 'Islamic' pattern in these reservations. According to Dr. Badriya al-Alwadi, a prominent Kuwaiti academic and supporter of women's rights, Kuwait women were being denied the equality guaranteed by both the Qur'an and the constitution.14 In this feminist view, the discrimination behind the reservations violated principles set forth in the prime Islamic source. She characterized the Kuwaiti government's policy of signing CEDAW while denying women their political rights as hypocritical.15 On 14 April 1994, a conference in Kuwait of women from Arab countries called for recognition of the political rights of Kuwaiti women and for the Kuwaiti government to review its reservations to CEDAW.16 However, perspectives like this, which represent the views of Muslim feminists, are too rarely considered in international fora when cultural defenses to human rights are under discussion.

Sweden, one of the few countries where progress towards full equality for women is relatively well advanced, was one of several countries that reacted to reservations such as those Egypt entered with justifiable skepticism.17 Sweden state in objecting:

> the reason why reservations incompatible with the object and purpose of a treaty are not acceptable is precisely that otherwise they would render a basic international obligation of a contractual nature meaningless. Incompatible reservations, made in respect of the Convention on the elimination of all forms of discrimination against women, do not only cast doubts on the commitment of the reserving state to the object and purpose of this Convention, but moreover, contribute to undermine the basis of international contractual law.

However, few countries followed Sweden's lead in skeptically appraising the supposedly Islamic rationales offered for deviating from CEDAW principles. Most allowed reservations like Egypt's to be entered without scrutiny or objection. This general toleration of religious rationales for denying women's rights guaranteed by CEDAW reinforces the impression that Egypt's position was not really out of line with the approaches of many other countries, whether they were Muslim or not. The international community as a whole takes the need to prevent racial discrimination much more seriously than the need to prevent sex discrimination, giving real teeth to the convention on the former and only lip service
to the goals of CEDAW. Indeed, a feminist critique of how the present system of international law incorporates male biases makes the toleration of reservations to CEDAW seem the inevitable consequence of systemic sexism."

The ‘Islamic’ reservations of countries like Egypt and Morocco and the condemnations of plans to study these reservations involved untenable positions, amounting to Muslim countries telling the world that:
1. Islamic law was immutable, when they changed their Islamic laws at will;
2. there was a single normative Islamic model, when personal status laws varied dramatically from one Muslim country to another and changed over time within one country;
3. their women could not have the equality mandated by CEDAW because of Islam, but that women in their societies were equal under Islamic law;
4. they were entitled to insist in international fora that their religious obligations to honor the shari’a justified their reservations to CEDAW, but the subject of how women were treated under the shari’a could not be examined in these same international fora.

**THE US AND CEDAW**

Consideration of the US case shows how these Middle Eastern and North African examples are simply part of a larger pattern of official spokespersons hypocritically assuring the world that, yes, they agree that women should be equal and, no, their laws are not discriminatory - but they cannot accept the CEDAW principles guaranteeing women full equality. Although the US signed CEDAW while President Carter was still in office, there was resistance to ratification for twelve years under Republican presidents, which was not surprising in light of the policies of the Reagan and Bush administrations toward women’s rights.

The way American conservatives opposed to CEDAW conceive of the CEDAW model of male-female equality in relation to the rights afforded women under US law...
is like the way Muslim governments see CEDAW in relation to their domestic laws. Conservatives opposed to the proposed Equal Rights Amendment (ERA) to the US Constitution, which was designed to eliminate discrimination against women, often referred to ‘laws of Nature.’ Thus, the ERA was attacked by opponents like Senator Sam Ervin, a conservative Southern Democrat who charged that it made men and women into identical legal beings with the same rights and subject to the same responsibilities. That is, it made men and women more equal than Nature intended them to be.

Americans who believe that the laws of Nature mandate unequal rights for men and women may think that domestic US standards establish the definitive model of male-female equality and the optimum level of protection for women’s rights. Therefore, they conclude that any equality provisions that go beyond these - like those in CEDAW - must be wrong-headed. For example, Bruce Fein, writing in the arch-conservative Washington Times, asserted that CEDAW was objectionable because it would prohibit ‘non-invidious, gender distinctions.’ He apparently assumed that the notion of women having the same rights as men was misguided and that discriminatory features retained in US law were ‘non-invidious, gender distinctions,’ that is, benign distinctions that appropriately recognized the actual differences between males and females. Fein’s thinking seems to have been influenced by the prejudicial notions about the inferiority of women and stereotyped views of gender roles that pervade US culture. These stereotypes can have the result of making familiar patterns of discrimination and inequality seem somehow just and natural, in much the same way as patriarchal biases in Muslim countries induce men to think it is natural for them to enjoy superior legal rights.

One of the things that led Bruce Fein and others to object to CEDAW is that ratifying CEDAW could, depending on one’s point of view, require amending rights provisions in the US Constitution and/or would violate the complicated system of Federation established in the Constitution, which requires the national government to defer to state laws regarding the family. The idea that the US Constitution could be judged by international standards is not accepted in US law, where the Constitution reigns as the supreme law - above all other laws, including international law and treaties ratified by the US. Thus, the reporter for a prestigious commission appointed by the US President to study the constitutionality of US ratification of human rights treaties affirmed that the US might constitutionally ‘ratify or adhere to any human rights convention that does not contravene a specific constitutional prohibition...’

Like the shari’a, the US Constitution is resistant to change. The world’s oldest constitution still in use, it is a revered symbol of the nation, a relic from the eighteenth century that is carefully preserved in the National Archives. It has a status that is close to sacred. It is so untouchable that its original version is still untampered with, even though it is replete with archaic features, containing references to the slave trade, admonitions to the states not to confer titles of
nobility, prohibitions of laws working ‘corruption of the blood,’ etc. The rights provisions are few and lacking in most of the protections set forth in modern human rights law. Of course, since the proposed ERA was rejected, the US Constitution provides no guarantee of any rights for women, except in the Nineteenth Amendment, which prohibits the use of sex to deny the right to vote. Nonetheless, Americans, who are very tradition-bound, prefer to uphold their Constitution with all its archaisms intact rather than to write a new constitution that would meet the standards of modern constitutionalism and protect human rights according to international norms. The result of this disinclination to update is that, as of 1994, Americans have a constitution that lags far behind its counterparts in places like Europe and Canada. Moreover, the rights afforded to Americans in the Bill of Rights are far inferior to the extensive rights enjoyed by Russians and South Africans under their new constitutions. It seems fair to speculate that there may be women cardinals in the halls of the Vatican and a woman Prime Minister in Riyadh before the US Constitution is modified in ways that accord American women the rights set forth in CEDAW and other international instruments.

The US resistance to ratification of CEDAW was not unique; it has been generally reluctant to ratify international human rights conventions, which has led to unseemly delays in the US becoming a party even to conventions like the International Convention on Civil and Political Rights, which contains the so-called ‘first generation rights’ that the US supports, but which was not ratified till 1992.

Despite the US failure to ratify CEDAW, one would be hard pressed to find an American official prepared to acknowledge in an international forum that US law was discriminatory or that US women did not have equal rights. On the contrary, in international venues the US tends to portray its rights record in a highly favorable light and to act as if problems of women’s rights were confined to exotic places like Africa and Asia. Of course, the American officials offering these portrayals are most often men.

Under Reagan the US position effectively amounted to claiming that:
1. No, American women could not have constitutionally guaranteed equal rights – except for the right to vote and
2. No, American women could not have the rights protections afforded by CEDAW, and
3. Yes, American women were fully equal with men.

Just as shifts in politics have affected the positions of Muslim countries on CEDAW, shifts in American politics affect official US positions on whether CEDAW should be ratified and on whether the US Constitution presents an obstacle to ratifying CEDAW. Democrats have tended to favor ratifying international human rights treaties, and President Kennedy even asserted that US law was already in conformity with international human rights law, so that ratifying the conventions entailed no conflicts with the US Constitution. With the election of a Democratic President in 1992, the executive branch did an about-face on the merits of ratifying CEDAW; under Clinton the US is now officially committed to achieving ratification. (The Democratic administration of Bill Clinton seems to have decided that CEDAW can be ratified even without an equal rights amendment being added to the US Constitution.) However, as of 1994 the US Senate had still not given its consent, leaving CEDAW unratified.

As disappointing as the US record was, there were other players on the international scene with even more reactionary stances. One does not need to waste time wondering what reservations the Vatican entered when ratifying CEDAW, because, of course, the Vatican would never consider ratifying such a document, even with copious reservations. To learn the Vatican’s reaction to the growing consensus supporting women’s equality, one has to look at statements that it makes on other issues, such as its position on the 1994 Cairo population conference. Proof that it was not only Muslim governments that were hypocritical with regard to women’s rights came in June of 1994, when the Vatican revealed its strong opposition to the feminist influence at the upcoming population conference. Because of this feminist influence, which in the opinion of the Church was harmful, there were measures on the conference agenda concerning safe abortions and women’s right to control their fertility, which were supported by the Clinton administration. Such measures reflected what the Vatican chose to call “cultural imperialism.” As is well known, the Church currently opposes all but ‘natural’ birth control and condemns abortion, whereas feminists tend to believe that a woman’s control over her body and the procreative process is essential for her to enjoy full rights. The Vatican did not accept this.

Church tradition was invoked by the Vatican as if it were sacrosanct. However, despite Vatican efforts to associate Church teachings with natural law, authoritative moral norms ingrained in the conscience of humankind and ascertainable by the use of reason, it was obvious that Church teachings were tied to history and politics. Morality as set forth in natural law should be immutable, but the Church tradition on abortion has changed over time, its present position dating back only to the nineteenth century.

It had long been obvious that the exclusively male Church hierarchy was not in sympathy with feminism or with women’s demands for equality. Nonetheless, the Church felt obliged to insist that, in opposing the Cairo conference agenda, it was not questioning women’s equality with men, just as it had insisted in May of 1994 that its policy banning women from the priesthood could not be construed as
discrimination against women.

The Vatican, like the defenders of discriminatory shari'a laws in Middle Eastern countries, must have been feeling threatened by the growing international consensus that discriminating against women was wrong. Faced with this consensus, it realized that articulating candidly its views on women's rights threatened to delegitimize Vatican positions. The Church was therefore forced to resort to double-talk and to assert that its discriminatory rules were not discriminatory and that its opposition to equality for women was motivated by its belief that women deserved equality.

Where the Catholic Church is concerned, the same male biases and stereotyping of women have come into play as one sees in Muslim countries and among US opponents of women's rights - all connected to supposed inalterable differences between men and women that were decreed by Mother Nature. After the controversy about the Vatican stance opposing the population conference exploded, the Pope sought to defend the Vatican against charges that it disregarded women's rights by insisting on women's difference from men, maintaining that women achieved perfection, affirmation and 'relative autonomy' when they were 'equal to men but different' in the work and in the Catholic Church. He asserted that they would fail to achieve true freedom by trying to be like men, claiming: 'Perfection for women does not mean being like men, a masculinization to the point that they lose their own qualities as women.' Of course, this objection deliberately missed the point. Pope John Paul II was probably aware that women in demanding the same rights as men were not asking to be transformed into men and divested of their characteristics as women. Rather than seeking to masculinize themselves, women were asking for non-discriminatory treatment in laws that would nonetheless take into account in appropriate ways the realities that women got pregnant and bore children. The Pope revealed that he was actually taking issue with the women's movement by obliquely implying that militant feminists were intemperate and unreasonable, arguing: 'Diversity does not necessarily mean intransformation,' and saying that the movement should be based on the concept of equal dignity of the human person, both male and female. In insisting on men and women's equality in 'dignity' - equality in 'rights' - he adopted a strategy that Muslim conservatives opposed to women's equality have utilized. With these assertions, the Pope not only revealed that he relied on sex stereotyping but that he was determined to obfuscate the Vatican's position on women's rights. Like Muslim countries and like the US government, the Vatican wanted to go on record as being officially in favor of women's equality. However, the Pope inadvertently disclosed that his ideas about women coincided with the premise that lay behind the Egyptian statement regarding Egypt's reservation to CEDAW, that 'true equality' for women entitled rights and obligations that differed from those enjoyed by men.

CONCLUSION

Just as women from around the world forged new bonds of solidarity at the 1993 Vienna human rights conference, so the opponents of women's rights from different cultural and religious backgrounds are discovering how much their programs have in common - and are forming alliances to forestall further progress towards equal rights for women.

The Vatican had a great deal in common with the spokes-persons for Muslim countries that were resisting CEDAW principles of equality for women, but an alliance that cut across an otherwise vast religious gulf by itself necessitated additional double-talk, since neither side would admit that antipathy to women's equality was the shared motivating factor behind their alliance. One sample of the new hypocritical rhetoric can be found in the language in a letter to the New York Times in defense of the Vatican-Muslim alliance, proposing that it was grounded not 'on religious values, but on a respectful approach to the dignity of the human person'\(^{16}\) In this defense of the Vatican's position, appeals to a specific religious tradition have been dropped and replaced by a generic appeal to respect for an abstract concept of human 'dignity.' The actual harm done to women by denying them contraceptive freedom and the negative impact of uncontrolled fertility were deliberately suppressed. In the long run, we should expect more of this, as the foes of women's rights move to internationalize their positions.

Conservatives are also mobilizing women's support to counter feminism. Opponents of women's rights have found it useful to have their campaigns fronted by women who are prepared to attack feminist projects. The participation of women dilutes the impression otherwise created that men are seeking to deny rights to women.\(^{31}\) For example, a recent article has pointed out how what might be called 'the religious right' in Pakistan has organized women to fight feminist ideas in attempts to discredit Pakistan's feminist groups like the impressive Women's Action Forum (WAF).\(^{12}\) That men opposed to women's equality employ women for their goals does not, of course, mean that women who oppose feminism always act under the aegis of men, or that they do not have their own reasons for opposing equal rights for women.\(^{10}\)

The new world hypocrisy on women's rights has drawbacks; it requires feminists to change tactics. Spokesmen from countries like Iran and Saudi Arabia who are prepared to endorse blatant, de jure discrimination against women are becoming quaint anachronisms. Soon they will be replaced by more sophisticated spokespersons like the ones now familiar in the US, who will no longer openly acknowledge that they oppose equality for women. Instead, their rhetorical strategies will include insisting that equality, properly understood, precludes - or at least does not require - adopting principles like those in CEDAW. To rationalize their official policies in conflict with CEDAW, they may appeal to laws of a supposed higher authority - like shari'a law, the US Constitution.
Church tradition, or Nature. We have to clarify issues that the enemies of women's equality are seeking to muddy by claiming to support women’s equality but then twisting and distorting the concept of 'equality' to serve agendas designed to deprive women of rights. We now have the time-consuming and difficult task of exposing the new world hypocrisy by dissecting what these programs really entail. We need to focus on the reality of continuing disparities in rights for women and men and the practical consequences that these have for women's lives. We need to educate women not only to understand their rights under CEDAW. We now have the time-consuming process of exposing the new world hypocrisy. We need to focus on the reality of continuing disparities in rights for women and men and the practical consequences that these have for women's lives. We need to educate women not only to understand their rights under CEDAW, but to distinguish these from the pseudo-rights being put forward by groups with anti-feminist agendas.

To look on the brighter side, one can at least say that all this signifies the degree to which the principle of equality for women has gained normative force around the globe - so that even the enemies of women’s rights are forced to pay lip service to it. The days of arguing for the general propositions that discrimination against women is wrong will soon be behind us. That battle has essentially been won.

We need to exploit the growing international consensus and solidarity among women on these issues, at the same time preparing ourselves to combat the international solidarity that is being forged among groups that oppose equal rights for women. Despite the progress we have made, the way ahead is not going to be smooth or easy. In fact, I predict that, when we look back, it will often be with nostalgia for the good old bad old days, when the fight was for recognition of the simple proposition that discrimination against women was wrong. It is much easier to articulate and to communicate this truth, which with benefit of hindsight seems self-evident, than to fight the new world hypocrisy.

References

1. This article was originally published in Mahnaz Afkhami (ed.) Faith and Freedom: Women's Human Rights in the Muslim World, New York, Syracuse University Press 1995. Abridged and reproduced in Al-Raduis after approval was granted.


2. It would be interesting, of course, to pursue the reasons for non-ratification of CEDAW as well, if these were ever presented in a set of statements of governmental positions comparable to the collection we have of official reasons for CEDAW reservations.


4. I have indicated in another essay why I am not persuaded that the international community must accept these without further scrutiny. See my chapter, ‘Cultural Particularism as a Bar to Women’s Rights: Reflections on the Middle Eastern Experience’ in Julie Peters and Andrea Wilner (eds) Women's Rights, Human Rights, International Feminist Perspectives (New York: Routledge, 1994)


7. From the ‘Declaration and Reservations made by the Government of Morocco upon Accession,’ 23 June 1993, in Annex I, ‘Reservations made upon ratification from 1 August 1992 to 1 August 1993.’


9. Ibid.


11. Tunisia referred to Article I in the Tunisian Constitution, making Islam the state religion, as the obstacle.


13. The reformed Tunisian code of nationality in Article 12 provides: ‘Devient Tunisien, sous réserve de réclamer cette qualité par déclaration dans le délai d’un an précédant sa majorité, l’enfant né à l’étranger d’une mère tunisienne et d’un père étranger.’


15. ‘Legislation Must Be Enacted,’ op. cit.


17. The relatively more advanced status of women in Sweden was not coincidental. A recent study has shown that reservations to CEDAW, as well as failures to ratify CEDAW, correlate with relatively low rates of literacy, school enrollment, economic participation, and involvement in the political process on the part of women in the countries involved. On the other hand, ratification correlates with relatively high rates in these categories. See ‘International Standards of Equality and Religious Freedom: Implications for the Status of Women,’ in Valentine Moghadam (ed.), Identity Politics & Women: Cultural Reassertions and Feminism in International Perspective (Boulder: Westview, 1994), pp. 434-7.


22. For example, although US women can serve in the military, they are excluded from a variety of positions, including many roles in combat.

23. For a discussion of these, see Fein and Zearfoss, op. cit., pp. 911-12.


25. Ibid., p. 61.

26. In a meeting of mostly liberal intellectuals gathered in 1986 to compose a ‘meaningful contemporary Constitution’ the participants backed down from challenging the Constitution, despite all its archaic features. However, Betty Friedan did at least say that there should be an equal rights amendment. See ‘Constitution Gets Liberal Thumbs Up,’ New York Times, 5 October 1986.


31. Susan Faludi’s recent book, Backlash. The Undeclared War Against American Women (New York: Crown, 1991), presents an important assessment of how the opponents of women’s rights in the US have managed to cope with women as they waged their campaign against feminism.


33. For an introduction to the complex subject of women joining in the efforts to fight women’s rights in the American context, and a valuable bibliography of the relevant literature, see Roberta Klatz, ‘Women of the New Right in the United States: Family, Feminism and Politics,’ in Moghadam, op. cit., 367-90.
Out of the twenty-two members of the League of Arab States, only eleven have ratified the Convention on the Elimination of all Forms of Discrimination Against Women. They are: Algeria, Comoros, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Tunisia and Yemen.

Article 28 of CEDAW allows member states to express reservations upon the signature, ratification or accession to the Convention. However, a reservation incompatible with the purpose and object of the Convention shall not be permitted.

Upon reviewing the implementation of CEDAW provisions in the Arab Countries, the following need to be taken into consideration:

a. The degree to which the ratification of the Convention has impacted on women's overall situation and status in these countries.

b. The conformity or non-conformity of CEDAW articles to which reservations have been expressed with the national laws and legislation.

c. The positive impact resulting from the ratifying countries' commitment to submission of periodic reports on implementation of the Convention (in accordance with Article 18).

A review of the reservations to CEDAW by Arab countries indicates that these were made on two grounds: the first is the incompatibility of these articles with the Islamic Shari'a, and the second is their non-conformity with national laws and legislation.

ARAB COUNTRIES RESERVATIONS TO CEDAW WERE RESTRICTED TO THE FOLLOWING SIX ARTICLES:

Article (2): On Elimination of Discrimination Against Women in National Legislation

States Parties condemn discrimination against women in all its forms, and agree to pursue by all appropriate means and without any delay a policy of eliminating discrimination against women and, to this end, states parties are committed:

a. To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

b. To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

c. To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

d. To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

e. To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

f. To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

g. To delete all national penal provisions which constitute discrimination against women.

The Governments that expressed reservations to Article (2) or to some of its paragraphs were those of Algeria, Egypt, Iraq and Morocco. It is noteworthy to point out that states' reservations to Article (2) is considered serious because it is incompatible with the object and purpose of the Convention.

Article (7): On Political and Public Life

States Parties shall take all appropriate measures to eliminate discrimination against women in all its forms, and agree to pursue by all appropriate means and without any delay a policy of eliminating discrimination against women and, to this end, states parties are committed:

a. To ensure that all laws and regulations, and all other public or private practices which restrict the exercise of political and public life rights, are in conformity with the Convention;

b. To take all appropriate measures to eliminate all forms of discrimination against women in the political and public life fields and to ensure, by appropriate means, the progressive realization of the equal right of women and men to participate in the political and public life of their community.

c. To ensure that the principle of the equality of women and men in the political and public life fields is embodied in national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

d. To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

e. To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

f. To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

g. To delete all national penal provisions which constitute discrimination against women.

The Governments that expressed reservations to Article (7) or to some of its paragraphs were those of Algeria, Comoros, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Tunisia and Yemen.

The Islamic countries which have ratified CEDAW are: Bangladesh, Indonesia, Malaysia, Pakistan and Turkey.
Article (9): On Nationality Laws

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

The Governments that have expressed reservations to Article (9) are those of Algeria, Egypt, Iraq, Jordan, Kuwait, Lebanon, Morocco and Tunisia. No reservations were entered by the Governments of Comoros, Libya and Yemen.

Article (15): On Equality before the Law and in Civil Matters

1. States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men, and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

The Governments of Algeria, Jordan, Morocco and Tunisia expressed reservations regarding Article (15) or some of its paragraphs.

Article (16): On Equality in Marriage and Family Life

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

   a. The same rights to enter a marriage;
   b. The same right to choose freely a spouse and enter into marriage only with their free and full consent;
   c. The same rights and responsibilities during marriage and at its dissolution;
   d. The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
   e. The same rights to decide freely and responsibly on the number and spacing of children and to have access to the information, education and means to enable them to exercise these rights;
   f. The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
   g. The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
   h. The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

The Governments of Algeria, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco and Tunisia expressed reservations to Article (16) or to some of its paragraphs. No reservations were entered by the Governments of Comoros and Yemen.

Article (29): On Arbitration between States and Referral of Disputes to the International Court of Justice.

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.

Any State Party which had made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

The Governments of Algeria, Egypt, Iraq, Kuwait, Lebanon, Morocco, Tunisia and Yemen have expressed their reservations to Article (29) or to one of its paragraphs.
It is worth noting that no single article of CEDAW has been subject to reservations by all the eleven ratifying Arab countries.

**DISCUSSION OF RESERVATIONS TO CEDAW IN THE ARAB WORLD BY COUNTRY**

In an attempt to understand the reasons for reservation of some Arab countries to CEDAW, it is useful to shed light on each Arab country individually and to analyze the expected impact of these reservations:

**ALGERIA**

The Government of Algeria ratified CEDAW on 22 May 1996. The Algerian Government made reservations to the following five articles:
   The Government of Algeria declared that it is ready to apply the provisions of this article only if they do not conflict with the provisions of the Algerian Family Code.
2. Article (9) Paragraph “2”: On Nationality Laws
   The government’s reason for reservation is that this article is in conflict with the provisions of the Algerian law on nationality, which stipulates that children acquire the nationality of their father. Nevertheless, there are provisions in that same law that allow children to obtain their mother’s nationality based on the approval of the Ministry of Justice.
3. Article (15) Paragraph “4”: On Equality before the Law and in Civil Matters
   The reservations indicate that this article of CEDAW should not be interpreted to contradict the provisions of article 37, chapter 4 of the Algerian Family Code.
4. Article (16): On Equality in Marriage and Family Life
   The provisions of article 16 concerning equal rights for men and women in all matters related to marriage, both during marriage and at its dissolution, should not contradict the provisions of the Algerian Family Code.
5. Article (29): On Arbitration between States and Referral of Disputes to the International Court of Justice
   The Algerian reservation states that such dispute cannot be submitted to arbitration or to the Court of International Justice except with the consent of all the parties to the dispute.

**COMOROS**

The Government of Comoros ratified CEDAW on 31 October 1994 with no reservations.

**EGYPT**

The Government of Egypt signed the Convention on 16 July 1980 and ratified it on 18 September 1981. The Egyptian Government made reservations to the following four articles:
1. Article (2) On Elimination of Discrimination Against Women in National Legislation
   The Government of Egypt made reservations on Article (2) declaring that it is willing to comply with the contents of this article provided that this does not contradict Islamic Shari’a.
2. Article (9) Paragraph “2”: On Nationality Laws
   Egypt justified this reservation by arguing that holding two nationalities may jeopardize the best interest of the child and its future. The Egyptian Government does not consider this reservation against child rights, since it is customary for children to acquire their father’s nationality.
3. Article (16): On Equality in Marriage and Family Life
   This is based on the ground that Islamic Shari’a has determined balanced rights and obligations between spouses at marriage and divorce. It has also guaranteed the right of the wife to property, and divorce to be granted only in the presence of a judge.
4. Article (29) Paragraph 1: On Arbitration between States and Referral of Disputes to the International Court of Justice
   The reservation is expressed in order to avoid being bound by the system of arbitration with respect to all reservations expressed on CEDAW.

**IRAQ**

The Government of Iraq ratified CEDAW on 13 August 1986, expressing reservations to the following four articles:
1. Article (2) Paragraph c and Paragraph g
2. Article (9) Paragraph 1 Paragraph 2
3. Article 16
4. Article (29)
   The reasons for the reservations are in compliance with Islamic Shari’a. The Republic of Iraq added that the ratification of the Convention does not imply in any way enacting any relations with Israel.

**JORDAN**

The Government of Jordan signed CEDAW on 3 December 1980, and ratified it on 1 July 1992. Upon signing the Convention, Jordan made reservations to the following three articles, which were reaffirmed upon ratification.
1. Article (9) Paragraph 2: On Nationality Laws
   The Jordanian Nationality Law stipulates in Article 9 Paragraph 2, that the child of Jordanian father shall be considered a Jordanian citizen, even if his/her mother is a non-Jordanian. However, a child of a Jordanian mother married to a non-Jordanian shall not be considered a Jordanian unless he/she claims the Jordanian Nationality.
   Moreover, Jordanian official sources have declared that the reservation on this article is based on political considerations and circumstances. In addition, Jordan is a party to an Arab League Convention which forbids for Arab citizen to acquire a dual Arab nationality.
2. Article (15) Paragraph 4: On Equality before the Law and in Civil Matters
   This paragraph contravenes the teachings of Islam “the Religion of the State”, which do not permit women to travel on their own even to perform the religious duty of pilgrimage. In
addition, women cannot be granted the freedom to choose their place of residence, since they are subordinates to their husbands, and as such, cannot select their dwelling alone be they married or single.

However, a number of Islamic scholars such as His Eminence Dr. Abdul-Aziz Khayyat, do not view the right to mobility and dwelling as a violation of the Islamic Shari'a provisions, especially if this is spelled out in the marriage certificate beforehand.

3. Article (16): On Equality in Marriage and Family Life
Paragraph c
This paragraph contravenes the teachings of Islam which stipulate that men are “in charge of women”, thus are entitled to deny the wife the freedom to act on her own.

Paragraph d
Islam has given “ Custody Rights “ to the man, as he is considered more capable of facing life’s circumstances. However, this does not thoroughly rule out the woman's rights to custody of her children.

Paragraph g
Islam permits a woman to have an honorable occupation, subject to the approval of her husband, and provided that it does not contravene with her duties and obligations as housewife and mother.

Most of the laws that have been cited above as the basis for making reservations to CEDAW are set out in the Jordanian Personal Status Law which is derived from the Islamic Jurisdiction and its applications.

**KUWAIT**

The Government of the State of Kuwait ratified CEDAW on 2 September 1994, expressing its reservations on the four following articles:
1. Article (7) Paragraph a: On Political and Public Life
The provision contained in that paragraph conflicts with the Kuwaiti Electoral Act, according to which the right to be eligible for election and to vote is restricted to males.
2. Article (9) Paragraph 2: On Nationality Laws
Since this paragraph runs counter to the Kuwaiti Nationality Act, which stipulates that a child’s nationality shall be determined by that of his father.
3. Article (16) Paragraph f: On Equality in Marriage and Family Life
Kuwait does not consider itself bound by the provisions contained in Article 16(f) in as much as this paragraph conflicts with the provisions of the Islamic Shari’a, Islam being the official religion of the State.
4. Article (29) Paragraph 1: On Arbitration between States and Referral of Disputes to the International Court of Justice.
The Government of the State of Kuwait declares that it shall not be bound by the following three articles:
1. Article (9) Paragraph 2: On Nationality Laws
2. Article (16) Paragraph c, d, f, and g: On Equality in Marriage and Family Life
3. Article (29) Paragraph 1: On Arbitration between States and Referral of Disputes to the International Court of Justice.

**LIBYA**

The Libyan Arab Jamahiriya ratified CEDAW on 16 May 1989, and expressed reservations regarding the following two articles:
Article 2 of the Convention would be implemented with due regard to the peremptory norms of the Islamic Shari’a relating to the determination of the inheritance portions of the estate of a deceased person, whether female of male.
2. Article (16) Paragraph c and d: On Equality in Marriage and Family Life
The implementation of Article 16, paragraphs (c) and (d) shall be without prejudice to any of the rights guaranteed to women by the Islamic Shari’a.

**MOROCCO**

The Government of the Kingdom of Morocco ratified CEDAW on 21 June 1993 and expressed reservations on the following four articles:
The Government of Morocco expressed its readiness to apply the provisions of this article provided that a) they are without prejudice to the constitutional requirement that regulates the rules of succession to the throne of the Kingdom of Morocco and b) that these provisions do not conflict with the provisions of the Islamic Shari’a contained in the Moroccan Code of Personal Status.
2. Article (9) Paragraph 2: On Nationality Law
This is in view of the fact that the Law of Moroccan Nationality permits a child to bear the nationality of its mother only when a child is born to an unknown father, regardless of the place of birth, or to a stateless father. Further, a child born in Morocco of a Moroccan mother and a foreign father may acquire the nationality of its mother by declaring within two years of reaching the age of maturity, its desire to acquire that nationality, provided that its customary and regular residence is in Morocco.
3. Article (15) Paragraph 4: On Equality before the Law and in Civil Matters
The Government of Morocco declares that it can only be bound by the provisions of this paragraph, in particular those relating to the rights of women to choose their residence and domicile, to the extent that these are compatible with articles 34 and 36 of the Moroccan Code of Personal Status.
4. Article (16): On Equality in Marriage and Family Life
Equality of kind provided for in the provisions of this article is
considered incompatible with the Islamic Shari‘a, which guarantees for each of the spouses rights and responsibilities within a framework of equilibrium and complementarity in order to preserve the sacred bond of matrimony. The provisions of Islamic Shari‘a oblige the husband to provide a nuptial gift for his wife upon marriage, while the wife enjoys the complete freedom of disposition of her property during marriage and at its dissolution.

5. Article (29): On Arbitration between States and Referral of Disputes to the International Court of Justice.

The Government of Morocco does not consider itself bound by the provisions of paragraph 1 of this article, as it is of the view that any dispute of this kind can only be referred to arbitration by agreement of all parties to the dispute.

**TUNISIA**

The Government of Tunisia signed CEDAW on 24 July 1980, and ratified it on 20 September 1985. Upon ratification, the Tunisian Government made a General Declaration stating that it shall not take any organizational or legislative decision in conformity with the requirements of this Convention where such a decision would conflict with the provisions of the Tunisian Constitution.

The Tunisian Government additionally expressed reservations regarding the four following articles:

1. Article (9) Paragraph 2: On Nationality Laws

   The Tunisian Government expresses its reservation regarding Article 9, paragraph 2, which must not conflict with the provisions of Chapter VI of the Tunisian Constitution.

2. Article (16) Paragraphs c, d, f, g, h: On Equality in Marriage and Family Life

   The Tunisian Government considers itself not bound by article 16, paragraphs (c), (d) and (f) and declares that paragraphs (g) and (h) of that article must not conflict with the provisions of the Personal Status Code concerning the granting of family names to children and the acquisition of property through inheritance.

3. Article (29) Paragraph 1: On Arbitration between States

   The Tunisian Government considers that such disputes should be submitted for arbitration or consideration by the International Court of Justice only with the consent of all parties to the dispute.

4. Article (15) Paragraph 4: On Equality before the Law and in Civil Matters

   In accordance with the provisions of the Vienna Convention on the Law of Treaties, dated 23 May 1969, the Tunisian Government emphasizes that the requirements of article 15, paragraph 4 of the Convention, and particularly that part relating to the right of women to choose their residence and domicile, must not be interpreted in a manner which conflicts with the provisions of the Personal Status Code on this subject, as set forth in chapters 23 and 61 of the Code.

**YEMEN**

The Government of the People’s Democratic Republic of Yemen acceded to CEDAW on 30 May 1984, expressing a reservation only to one article of the Convention as follows:

1. Article (29) Paragraph 1: On Arbitration between States

   The Government of the People’s Democratic Republic of Yemen declares that it does not consider itself bound by article 29, paragraph 1, of the said Convention, relating to the settlement of disputes which may arise concerning the application or interpretation of the Convention.

**GENERAL DISCUSSION**

In light of the reservations made by the Arab States Parties to CEDAW regarding a number of its articles, and based on the findings of a study on Arab Women conducted by the International Population Council in Cairo in 1995, one can conclude the following:

1. Arab legislation and laws, particularly those regarding the family, have been enacted in accordance with the provisions of the Islamic Shari‘a, despite the vast differences in the interpretation and implementation of these provisions among Arab countries. For example, four Arab countries, namely Jordan, Algeria, Morocco and Tunisia entered reservations to Article 15, paragraph 4, based on the pretext that it contravenes with the Islamic Shari‘a, while the rest of the Arab States Parties to the Convention have not made reservations to the same article.

2. Constitutions of most Arab Countries have unconditionally emphasized the equality of men and women, and reaffirmed the right of both men and women to life without discrimination whatsoever (Article 2). However, none of these Arab Constitutions has specifically referred to gender-based discrimination.

3. Provisions and enactments of the Islamic Shari‘a acknowledge the right of women to sign contracts, manage property independently without the need for permission from their husbands, and the right to own property without any restrictions or conditions (Article 15/2). National laws in most Arab countries have guaranteed these rights.

4. There are great discrepancies among the Arab Countries in the level of restrictions imposed on the Arab women’s right to travel (Article 15/4).

   Also, restrictions imposed on travel of a married woman are different from those imposed on that of a single woman. Moreover, some countries make the issuance of a separate passport for the wife contingent on the approval of her husband (Libya, Jordan), whereas Morocco, for example, doesn’t stipulate this condition for issuing a passport. As for Sudan, the Sudanese woman must obtain the approval of her male guardian every time she applies for a visa to leave the country, irrespective of her age, marital status or profession, even if this guardian was a teenager.

5. Regarding equality in access to educational opportunities, and compulsory education laws (Article 10), there is no discrimination in most Arab countries, neither in the quality nor in the level of education provided for both sexes. Moreover, there is no legal provision denying Arab woman the right to education.
6. Regarding the right of women for work (Article 11), to hold public office (Article 7), and to receive equal remuneration, as well as benefit from the maternal protection laws (Article II), one can conclude that the Arab labor laws concerning women are generally in line with international standards. Most of these laws provide for equal employment opportunities for women, and do not place any conditions or restrictions regarding equality of labor and employment rights.

7. Nationality Laws in all Arab Countries (Article 9), except Tunisia give the father the exclusive right to confer his nationality on his children, whether his wife is of the same or of a different nationality. Consequently, thousands of women suffer immensely in rearing their children in their own home countries, and in many cases, children may find themselves without a homeland and may therefore lose their rights to free education, and/or to health care and employment.

Although Arab jurists agree that the Arab Nationality Laws are non-constitutional in their discrimination between men and women, however, it is concluded that nationality laws of Arab countries are generally governed by political decisions.

**CONCLUDING REMARKS:**

In conclusion, it is inevitable to make the following remarks on the implementation of CEDAW in Arab Countries:

The Arab States Parties to the Convention have not formulated effective mechanisms to ensure its implementation.

These Arab Countries have not made any amendments to, nor any revisions of their national laws and legislation that clearly contravene with the spirit and provisions of the Convention.

There are no remarkable differences in the legal status of women between the Arab States that have ratified the Convention and those who have not yet ratified it.

---

**ARAB COUNTRIES RESERVATIONS TO CEDAW**

<table>
<thead>
<tr>
<th>State</th>
<th>Date of Signature</th>
<th>Date of Ratification and Accession</th>
<th>Art. 2 Non-Discrimination Measures</th>
<th>Art. 7 Political and Public Life</th>
<th>Art. 9 Nationality</th>
<th>Art. 15 Law</th>
<th>Art. 16 Marriage and Family Life</th>
<th>Art. 29 Arbitration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Algeria</td>
<td>22/5/96</td>
<td>X</td>
<td>X 9/2</td>
<td>X 15/4</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Comoros</td>
<td>31/10/94</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Egypt</td>
<td>16/7/80</td>
<td>18/9/81</td>
<td>X 2/c &amp; g</td>
<td>X 9/2</td>
<td>X</td>
<td>X 29/2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Iraq</td>
<td>13/8/86</td>
<td>X 2/c &amp; g</td>
<td>X 9/2</td>
<td>X 15/4</td>
<td>X</td>
<td>X 29/1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jordan</td>
<td>2/7/94</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kuwait</td>
<td>16/5/89</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Morocco</td>
<td>21/6/93</td>
<td>X</td>
<td>X 9/2</td>
<td>X 15/4</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tunisia</td>
<td>24/7/80</td>
<td>20/9/85</td>
<td>X 9/2</td>
<td>X 15/4</td>
<td>X</td>
<td>X 29/1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yemen</td>
<td>30/5/84</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Prepared by IWSAW
IMPLEMENTATION OF CEDAW IN THE ARAB COUNTRIES:

ANALYSIS OF RESERVATIONS

a case study of six project countries:
Egypt, Jordan, Lebanon, Sudan, Morocco, Tunisia*

By Lamis Nasser, National Project Consultant
UNICEF Amman

The Arab world today consists of 22 countries all of which are members of the League of Arab States. These countries are Algeria, Bahrain, Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, United Arab Emirates and Yemen. These countries share a common religion, language, history, and cultural heritage as a united distinct entity. The present state of Arab women is best understood and evaluated in light of the current demographic, political, economic, social, and religious situation of the region.

The Demographic Level: The total population of the Arab countries is estimated at 231 million, living in a 13.5 million square kilometer area. Of the total population there are approximately 115.5 million Arab females of which around 57.6 million are 15 years and above, while an estimated 57.9 million are under 15 years. The Arab world is a rapidly urbanizing region. Urbanization reached 55 percent in 1992, in comparison to 34 percent in 1960 revealing that the Arab world is becoming urbanized faster than any other region in the world. This rapid influx from rural areas places enormous pressure on cities which are often not equipped to absorb the very large numbers of internal immigrants flooding into cities each year. In nine countries of the region, three out of four people live in cities. Also, rural and nomadic populations suffer from significant disparities in the provision of educational, health, sanitary and infrastructure services.

The Political Level: The region has been undergoing rapid changes, both as a result of the Gulf Crisis and the subsequent Arab-Israeli peace negotiations. Libya and Iraq are currently under sanctions. Algeria, Iraq, Kuwait, Somalia, Sudan and Yemen are still suffering from the negative effects of conflict situations; and Israeli occupation continues in Palestine, the Golan Heights and South Lebanon. Continued political unrest has often compelled Arab states to set aside large proportions of their resources for national security. Arab countries allocated approximately 7.0 percent of their GDPs for military spending from 1990-1991, one of the highest percentages in the world. The region also has a high total military expenditure of 91 percent in relation to its combined expenditure on education and health.

The Economic Level: Economically, Arab states have significant disparities in wealth. The per capita income ranges from a low of US $150 per year in Somalia to a high of US $22,020 per year in the United Arab Emirates. Out of the 22 Arab countries, five have per capita GDPs below US $1000 per year (Mauritania, Somalia, Yemen, Egypt, and Sudan). As a result of the structural adjustment programmes (SAP) which most Arab countries are implementing, significant cuts were made in the sectors of health, education, social welfare and employment. This in turn has had a dramatic impact on the lives of the poor and vulnerable sectors of society especially women and children.

The Religious Level: The majority of Arabs share the same religion, culture and language. Muslims form the largest religious group (almost 95 percent), followed by Christians and other religious minorities. A considerable number of diverse religious and ethnic minorities have always lived in the region, which was the birthplace of the three major world religions.

(See Figure 1 which outlines the General Characteristics of Arab Countries)

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

The Convention on the Elimination of all Forms of Discrimination Against Women was adopted by the General Assembly of the United Nations on 18 December 1979 (UN resolution 34/180). It entered into force on 3 September 1981, in accordance with Article 27 (1). As of April 1997, the CEDAW Convention has been ratified by 154 states. The adoption of the Convention was the culmination of 30 years of work by the United Nations, and in particular by its Commission on the Status of Women (CSW), for the advancement of women. The convention essentially constitutes an international bill of rights for women. Its preamble recalls that the elimination of discrimination against women and the promotion of equality between men and women are central principles of the United Nations and constitute binding obligations under the UN Charter and other instruments. The preamble is followed by 30 operative articles that bind states which have ratified or acceded to its terms to certain specific obligations. The comprehensive Convention calls for equal rights for women, regardless of their marital status, in all fields: economic, political, social, cultural, and civil. It calls for national legislation to ban discrimination; it recommends temporary special measures to speed equality between women and men, and actions to modify social and cultural patterns that perpetuate discrimination.
STATISTICAL RATIONAL OF CEDAW IN THE SIX PROJECT COUNTRIES:
To date only eleven Arab countries out of twenty two have ratified CEDAW. These countries are: Algeria, Comoros, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Tunisia, and Yemen. As for the six project countries involved, the status of ratification and reservation is presented in the following table.

RESERVATIONS OF THE 6 PROJECT COUNTRIES TO CEDAW
ADOPTED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON DECEMBER 1979,
ENTRY INTO FORCE ON 3 SEPTEMBER 1981

<table>
<thead>
<tr>
<th>State</th>
<th>Date of Signature</th>
<th>Date of Ratification and Accession</th>
<th>Date of Ratification and Accession</th>
<th>Reservations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>16/7/80</td>
<td>18/9/81</td>
<td>Art. 2 Non-Discrimination Measures</td>
<td>X</td>
</tr>
<tr>
<td>Egypt</td>
<td>3/12/80</td>
<td>1/7/92</td>
<td>Art. 9 Nationality</td>
<td>X 9/2</td>
</tr>
<tr>
<td>Jordan</td>
<td>21/3/93</td>
<td></td>
<td>Art. 16 Marriage and Family life</td>
<td>X 16/1</td>
</tr>
<tr>
<td>Lebanon</td>
<td>21/6/93</td>
<td></td>
<td></td>
<td>c,d,g</td>
</tr>
<tr>
<td>Morocco</td>
<td>24/7/88</td>
<td>20/9/85</td>
<td>Art. 15 Arbitration</td>
<td>X 29/2</td>
</tr>
<tr>
<td>Tunisia</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

RESERVATIONS, DECLARATIONS AND OBJECTIONS OF PROJECT COUNTRIES RELATING TO CEDAW:
Article 28 of CEDAW permits states to express reservations to articles, or parts of articles which they do not accept as binding. The CEDAW Conventions has proven to be subject to more reservations than any other major international human rights treaty. CEDAW itself allows reservations at the time of accession or ratification. However, it specifies that reservations incompatible with the purpose and object of the Convention shall not be permitted. Subsequently, it does not indicate which reservations should be considered incompatible or who should decide such questions. On reviewing the reservations of the Arab countries, it was found that these articles were strictly limited to the following “seven” articles: Article 2, Article 7, Article 9, Article 15, Article 16, Article 29. (Only the Government of Kuwait expressed reservations to Article 7. Kuwaiti women have not yet won the right to vote or run for elections).

The above reservations expressed by Arab countries generally conform with the opinion of His Eminence Dr. Abdur Aziz Al-Khayyat, former Jordanian Minister of Awqaf and Islamic Affairs who declared during a seminar that articles 4, 6, 10, 11, 13, 14, and 15 of CEDAW are generally in compliance with the Islamic Shari’ah laws. Concerning freedom to chose residence and domicile (Article 15/4), Dr. Al-Khayyat points out that a Muslim woman has the right initially to object to residing in a particular place she considers not suitable or harmful in any way to her well-being. A Muslim woman is entitled to specify this condition in her marriage contract, and it will become her lawful right. Therefore, it could be deduced that reservations to article 15/4 are not expressed on religious grounds. However, other Jordanian and Arab legislation stipulate that a wife is obliged to reside with her family or the family of her husband.

CONSTRAINTS TO FULL REALIZATION OF CEDAW
Based on reviewing relevant literature on CEDAW, obstacles hindering the implementation of CEDAW provisions in the Arab countries could be identified as follows:
- Hesitancy of some governments to make any binding legal commitments to improve women’s status in society.
- Lack of effective mechanisms to abolish or even amend laws and legislation that are contrary to the text and spirit of the CEDAW Convention.
- Discrepancies between national laws and legislation of Arab countries, in addition to contradictory articles within national laws.
- Disparities among Arab countries in interpretation of Islamic Shari'a Jurisdiction regarding women's rights, marriage and family laws.

**CONCLUSION**

On closely examining the stipulations of CEDAW one may inevitably come to the following conclusions specifically in regard to the reservations expressed by Arab countries:
- CEDAW merely reiterates the rights and freedoms stipulated in the different international conventions such as the Universal Declaration of Human Rights, and the International Convenant on Economic, Social, and Cultural Rights, which many Islamic and Arab countries have ratified.
- CEDAW reiterates the provisions of the national laws of many countries, which entitle citizens to freedom of belief, thought, and practice of religious rites, on the basis that these are the established human rights of an individual.
- The interpretation of any provision in any convention should not be made in isolation from the other provisions of the same convention. The overall text ought to be interpreted in its context and in light of the general objective of the convention at hand.
- CEDAW have been drafted in general flexible terms with the view of enabling states parties to apply their provisions in a manner that suits their particular and specific circumstances.
- While Islam is the common reference point for the legal system in the Arab countries, its interpretation is subject to wide variation depending on local, historical and political circumstances.

**RESERVATIONS TO CEDAW**

The Arab countries reservations to CEDAW have been said to be based on the following pretexts and justifications namely incompatibility of the articles involved with the Shari'a laws and the article's non conformation with the national laws and legislation. Regarding reservations to CEDAW, the following remarks are noted:
- Three Arab countries have expressed reservations to article 2 namely Egypt, Iraq, and Morocco, two of which are project countries. This is considered by the Committee on the Elimination of Discrimination Against Women a most serious and grave issue, as it violates the purpose and core of the Convention.
- Only Kuwait (not a project country) expressed reservations to article 7 of the convention, as this article contravenes with the country's law.
- as for article 16 nine of the eleven Arab countries parties to the convention have expressed reservations to this article, five of which are project countries. The sixth project country i.e. Sudan has not signed or ratified CEDAW yet.
- Only three Arab countries have expressed reservations to article 15. All three countries are project countries namely: Jordan, Morocco and Tunisia.
- As for article 9, nine countries expressed reservations to this article due to its infringement on their nationality laws, not the Islamic Shari'a laws. All project countries (but Yemen who is not a party) have made declarations regarding this article. It is noted that no single article of CEDAW has been subject to reservations by all Arab states parties to the convention. This fact inevitably implies that the pretext of non-conformity of Islamic Shari'a laws is not necessarily valid.

**RECOMMENDATIONS REGARDING RESERVATIONS**

In view of the above, and in light of reviewing the Arab countries' reservations to CEDAW one may conclude that their withdrawal appears quite justifiable and feasible.

**On the National Level**
- To call upon women organizations, coalitions and activists in promoting child's rights and women's rights, in the Arab countries to form national CEDAW watch groups, to monitor the implementation of the convention.
- To conduct in each Arab country a field study/survey to investigate forms and kinds of discrimination practiced against women and girls in the public and domestic spheres, at home, and in the work place.

**On the Regional Level**
- To establish a Regional Data Bank and Resource Center on CEDAW which will compile information on the following:
  a. resource materials on CEDAW
  b. resource persons on CEDAW
  c. resource institutions on CEDAW
- To convene a regional workshop CEDAW in cooperation with the League of Arab States, UNICEF, and the UN Interagency Task force on Gender. The objective of this workshop is threefold:
  a. to examine carefully and compare the reservations of Arab countries
  b. to attempt to coordinate and unify the Arab countries' reservations
  c. to ponder the possibility of withdrawing unjustifiable reservations
  d. to urge Arab countries that have not yet signed or ratified CEDAW to do so
- To urge the Arab states to comply with Article 64/2 of Vienna Declarations and Programme of Action (adopted during the International Conference for Human Rights, June 1993). Article 64/2 has requested all states parties to CEDAW to withdraw their reservations.
- To urge the Arab states that have not yet signed or ratified relevant “Human Rights Conventions” to do so immediately. It is imperative that all Human Rights are indivisible and interrelated.

In an attempt to assess the impact of ratifying CEDAW on the status of Arab children and women we may conclude the following:
- the Arab states parties to CEDAW have not formulated effective mechanisms to ensure implementation,
- these Arab states have not made any visible amendments to
their national laws and regulations that contravene with the provisions of CEDAW in purpose and in spirit.

- No remarkable differences seem to exist in the legal status of children and women between the Arab states who have ratified CEDAW and those who have not.


**Endnotes:**

3. Ibid., p.112.

**BIBLIOGRAPHY**


**GENERAL CHARACTERISTICS OF ARAB COUNTRIES MEMBERS OF LEAGUE OF ARAB STATES (22 STATES)**

<table>
<thead>
<tr>
<th>Commonalities</th>
<th>Language</th>
<th>History/Culture</th>
</tr>
</thead>
<tbody>
<tr>
<td>Religion</td>
<td>231 Million Total Population</td>
<td>Gulf Crisis</td>
</tr>
<tr>
<td>Demographically</td>
<td>13.5 Million Km² Total Area</td>
<td>Peace Treaty</td>
</tr>
<tr>
<td></td>
<td>115.5 Million Female Population</td>
<td>Libya</td>
</tr>
<tr>
<td></td>
<td>57.6 Million Females 15+</td>
<td>Iraq</td>
</tr>
<tr>
<td></td>
<td>57.9 Million Females 15</td>
<td>Kuwait</td>
</tr>
<tr>
<td>Politically</td>
<td>Rapid Changes</td>
<td>Somalia</td>
</tr>
<tr>
<td></td>
<td>Embargo &amp; Economic Sanctions</td>
<td>Sudan</td>
</tr>
<tr>
<td></td>
<td>Internal Conflict &amp; Wars</td>
<td>Yemen</td>
</tr>
<tr>
<td></td>
<td>Occupations</td>
<td>Golan Heights</td>
</tr>
<tr>
<td>Economically</td>
<td>Wealth Disparities</td>
<td>150$ per year per capita (Somalia)</td>
</tr>
<tr>
<td></td>
<td>95% Population Moslems</td>
<td>22.00$ Per Capita Per Year (UAE)</td>
</tr>
<tr>
<td>Religiously</td>
<td>Birthplace of 3 Religions</td>
<td></td>
</tr>
</tbody>
</table>
CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN*

By Amal Abd El-Hadi

Ratification:

Egypt was the first Arab country to ratify the International Convention on the Elimination of All Forms of Discrimination Against Women. The Convention entered into force after its publication in the Official Gazette on December 17th, 1981.

The Legal Status of the CEDAW:

The CEDAW provisions enjoy the same force as a constitutional provision has in the face of an incompatible legislation. All authorities are committed to the enforcement of the Convention. According to Egypt’s last report to the CEDAW committee, the principle of equality has become a constitutional rule to which all Egyptian legislation should adhere, being lower in rank than the constitution. Any violation by the legislation of the principle of equality is considered a constitutional violation to be annulled by the Supreme Constitutional Court.

Reservations:

Since the ratification of CEDAW, Egypt has had and still has reservations to some articles of the convention. These are articles 2, 9.2, 16 and 29. The last report attempted to justify Egypt’s reservations asserting that the Egyptian government is committed to the implementation of all other items of the Convention.

Article 2: The Arab Republic of Egypt is willing to comply with the content of this article provided that such compliance does not run counter to the Islamic Shari’a.

Article 9: Reservation to the text of article 9, paragraph 2, concerning the granting of equal rights to women with respect to the nationality of their children, without prejudice to the acquisition by a child of the nationality of the father. This reservation is based on the assumption that:

- a child’s acquisition of two nationalities, may be prejudicial to his future
- the child’s acquisition of his father’s nationality is the most suitable procedure and does not infringe upon the principle of equality between men and women since it is customary for a woman to agree, upon marrying an alien, that her children be of the father’s nationality.

Article 16: Reservation to the text of article 16 concerning the equality of men and women in all matters relating to marriage and family relations during the marriage and upon its dissolution, because of conflict with the Islamic Shari’a. According to the Shari’a provisions, women are accorded rights equivalent to those of their spouses, the husband pays bridal money to the wife and maintains her fully and makes also a payment to her upon divorce, whereas the wife retains full rights over her property and is not obliged to spend anything on her keep. The Shari’a therefore restricts the wife’s rights to divorce by making it contingent on a judge’s ruling, whereas no such restriction is laid down in the case of the husband.

Article 29: Reservation to article 29, paragraph 2, concerning the right of a state signatory of the Convention. Egypt does not consider itself bound by paragraph 1 of that article concerning the submission to an arbitral body of any dispute which may arise between states concerning their interpretation or application of the convention.
RESERVATIONS OR CONTRADICTIONS:

In fact, the Egyptian reservations contradict the essence of the CEDAW particularly Article 28-2 which states that "a reservation incompatible with the object and purpose of the present Convention shall not be permitted." Egypt’s reservations, regardless of their justification, in fact endorse discrimination against women not only in law but, more importantly, in the prevalent social and cultural patterns.

RESERVATIONS IN THE NAME OF SHARI’A:

The Egyptian law states that the Islamic Shari’a is the main source of legislation. This means that there are other sources of legislation. Several provisions of the penal code and civil law include items that are not in line with the Islamic Shari’a and yet the State incorporates them into the legal system. For example, the penalty for adultery in the Egyptian penal code does not conform with that maintained by the general trend of the various Islamic schools of thought. Also, the Egyptian legal system endorses the banking system based on interest rates, while some jurisprudential schools reject this system as based on “usury”, thus violating the Islamic Shari’a.

The Islamic Shari’a is not one homogenous entity. It is well known that there are several Sunni and Shiite jurisprudential schools and that they have diverse positions on many issues such as polygamy, divorce, family planning, abortion and women’s Imara [ruling, in the senses of government and adjudication]. For example, women’s Imara is categorically rejected by some, while several Arab and Islamic countries accept it (Women have reached the posts of judge in Morocco and Prime Minister in Pakistan and Bangladesh).

Thus the justifications used by the Egyptian government for its reservations can easily be refuted on the basis of the experiences of other Islamic countries. This shows the necessity of studying these experiences, examining the Islamic jurisprudential schools that support women’s rights and drawing upon them to improve women’s conditions and drop the larger part of Egypt’s reservations.

REPORTING:

The first report was submitted to the CEDAW Committee in 1984, three years after the ratification of the Convention by Egypt, the second in 1989, the third in 1995 and is currently open to discussion.

The third report consists of three chapters, in addition to a number of annexes. The first chapter presents some general indicators on the status of women. It then reviews the Egyptian government’s policies on the issue of discrimination against women, highlighting how the eighties have witnessed intensive Egyptian efforts to join the international march in the field of human rights in general and women’s rights in particular. The report then underscores the efforts of the Egyptian government to create mechanisms which enable women to exercise their rights such as the National Women’s Committee, the National Council for Motherhood and Childhood, the Ministry of Population and the different departments for women’s affairs.

GOVERNMENTAL MECHANISMS FOR REPORTING ON CEDAW

Generally speaking the Ministry of Foreign Affairs (MOFA) is the governmental body responsible for reporting on Egypt’s commitment to international conventions and treaties.

Traditionally, MOFA is responsible for preparing and discussing reports on CEDAW, as part of its task with regards to all treaties to which Egypt is a signatory. Previously, reporting on Egypt’s commitments at the international level was the responsibility of the International Organizations Department of the MOFA. The task is now carried out by the Human Rights Department (HRD).

HRD collects relevant data on progress in implementation of CEDAW from different governmental bodies. It then provides the collected data to the Ministry Of Justice (MOJ), whose staff prepare the draft report and submit it to MOFA for final review. The final is then submitted to the Minister of Foreign Affairs for approval. Traditionally also, the MOFA staff attend the discussions of the reports at the UN meetings for CEDAW. This was the official process which was adopted in preparing Egypt’s three reports to the CEDAW committee.

The next CEDAW report is to be prepared by the National Women’s Committee which includes eight Ministers among its members and has to be approved by the Minister of Foreign Affairs.

COMMENTS OF THE CEDAW COMMITTEE ON EGYPT’S SECOND REPORT:

Members of the Committee raised concerns with respect to increased female illiteracy and drop out rates among girls in secondary schools. The economic situation was
seen as the reason behind these rates, though, in this case, it should affect both boys and girls. Opposition was raised to linking equality between men and women to economic development.

The Committee also pointed out the contradiction between limiting maternity leaves to only three times and incrimination for abortion, and asked whether there are any intended measures for combating clandestine abortion.

More statistics were requested by the Committee on unemployment rates and social insurance for house maids and female workers in family projects. The Committee also inquired about the effect of global conservative trends on women's status in Egypt, pointing to wrong interpretations of the Shari'a which prevent women from enjoying rights granted to them in the Quran.

In response to inquiries raised by the Committee, Egypt's representative stated that there are actually faulty interpretations of the Shari'a which should be corrected. He also emphasized the need to address legal equality within the wider political and economic context, explaining that Egyptian women are not able to practice their full rights because of the social and economic problems faced by the country. In this regard, Egypt recommended a second women's decade to pursue the achievements of the first women's decade.

With respect to Egypt's reservations on CEDAW, the representative stated that there is an ongoing discussion among officials and intellectuals to review Egypt's reservations, especially reservations related to Article 9.

**NGOs Activities**

In fact, many of the Egyptian NGOs are currently active on different issues relevant to CEDAW. These activities have been specifically intensified since the preparations for the International Conference on Population and Development and the Fourth World Women's Conference. High on the priority list are the Nationality issue, Family Status Law, Legal Equality and Legal Literacy, and harmful practices against women namely Female Genital Mutilation, etc. Among these groups are:

- The Egyptian Task Force Against Female Genital Mutilation
- The task force has been conducting studies, training workshops for NGOs, and lobbying with decision making bodies.

**The New Woman Research Center**

The center carried out a variety of research projects on reproductive health and women's rights in this field, law & development, and violence against women. The center also conducted different seminars, workshops and conferences to disseminate results of the above mentioned studies.

**Center of Egyptian Women's Questions**

The center is active in promoting legal literacy and legal aid for women in popular areas. The center also conducted a field study on the nationality law covering 150 case studies.

**Cairo Institute for Human Rights Studies**

The center has been conducting studies on the attitude of the medical profession towards FGM and on the experience of an Egyptian village that stopped the practice in 1992. The center also organized a regional workshop on Family Status Laws and issued a special file of its bulletin Sawassiah on CEDAW.

These are just examples of the NGOs activities relevant to CEDAW. A comprehensive overview is beyond the scope of this report. Many NGOs including the above mentioned met with the CEDAW committee members who visited Egypt in December 1997.

---

*The original title of the paper is “Study on Teaching of Human Rights in the Faculties of Law in Egypt. It was presented at the Regional Workshop on the Incorporation of CRC and CEDAW into the Curriculum of Law Schools October 1997. Abridged by IWSAW*

**Bibliography**

4. Human Rights Teaching and Developing the Legal Education in the Arab Universities, Arab Lawyers Union, Center For Legal Research And Studies, Cairo, 1987.
5. The Human Rights Crisis in the Arab World, Selected Studies to the Arab Lawyers Union seminars (1985 - 1989), Arab Lawyers Union, Center for Legal Research And Studies, Cairo, 1990
7. Sawassiah, no. 7 and 8 1996, Cairo Institute for Human Rights Studies.
9. Human Rights Education and Democracy in the Arab World, Arab Institute for Human Rights, Tunis, 1994
10. “Comments of CEDAW Committee on Egypt’s Second Report,” UN papers (we manged to get copies only of the pages related to Egypt).
THE ARAB WOMAN’S LEGAL SITUATION AND CEDAW*

Written by Farida Banani
Abridged and translated by Ghena Ismail

Through signing CEDAW, the international community acknowledged woman’s dignity and recognized her rights. In the name of Islam, however, many Arab countries refrained from signing CEDAW, and even those countries which signed it attached to it a number of reservations. In the name of Islam, the principle of equality between men and women in regard to civil, economic and social rights is considered a western and foreign import. This supposed incompatibility lead Dr. Banani to present a comparison between the present legal status of the Arab woman and the status to which CEDAW ideally aims.

In her paper, Dr. Banani draws a comparison between the personal status code and CEDAW through two domains: the family and public life.

FAMILY

A. Woman’s status in the family according to the personal status code

The personal status code that sets the rules for family relationships in most Arab countries is an expression of the worst forms of discrimination against women. This discrimination can be detected before, during, and after marriage. The legislator prevents the Muslim woman from marrying a non-Muslim, thus limiting her freedom in choosing her spouse. While the man is allowed to sign the marriage contract himself, the woman is obliged to entrust a male guardian with signing for her. Thus, a woman cannot express her satisfaction or discontent with the contract. Besides, the legislation strongly supports the traditional distribution of roles within the family, and the hierarchical structure of the family. Breaking the marriage contract is made so easy for the husband who enjoys the absolute right to divorce; However, it is not made as easy for the woman who will have to resort to court if she wishes to have a divorce. Discrimination continues to express itself even after marriage is broken. A divorcee with children loses custody of her children once she re-marries.

B. CEDAW

Unlike the personal status code adopted in most Arab countries, CEDAW maintains equality between men and women in all matters related to marriage and family. Both men and women enjoy the same rights in relation to the choice of spouse and residence. Both are entitled to the same rights and responsibilities during marriage and after its dissolution. Both enjoy guardianship over their children and the ability to give them their nationality.

As mentioned above, the Arab countries which have signed CEDAW imposed reservations on a number of articles. Most of these reservations are related to family and marriage matters. However, since it is stated in the second paragraph of the twenty-eighth article of CEDAW that “it is not permissible to express any reservation that contradicts with the primary aim of CEDAW”, and since the aim is the elimination of all forms of discrimination against women and achieving equality among the sexes in all aspects of life, one inevitably wonders whether the reservations expressed by the Arab countries are valid from the legal point of view? The justification provided by the Arab countries that ratified the convention regarding the reservations that were made on certain articles which contradicted with the Islamic legislation leads to the following debate: what is meant by the term “Islamic legislation”? Does the term refer to the legitimate laws or the legislative ones, to religion itself or religious thought, what is considered heavenly and what is provisional? She then asks, “Doesn’t justifying the imposition of reservations by Islam offend Islam? Doesn’t it mean that woman’s inferiority is sanctified in the holy text? Is Islam to be held responsible for the Arab Muslim woman’s status at the end of the twenty-first century? One wonders why cultural identity is emphasized most when the issue of equality among the sexes is dealt with.

PUBLIC DOMAIN/LIFE

Woman’s Status in Public Life in the Arab Countries

Woman’s status fluctuates between equality and discrimination. Whereas equality is stressed when referring to the woman in general, discrimination is clear when talking about the married woman in particular. Thus, in the personal status code, there are two types of women: one who enjoys equality, and another who doesn’t.

1. The Woman who enjoys Equality

Arab constitutions in general support the principle of equality between men and women in the public domain. Both women and men have the right to education, paid work, participating in syndicates and playing an active role in political life. Woman’s equality is further supported through a number of special laws related to different spheres of the public life.

2. The Woman who Doesn’t Enjoy Equality

In many areas, women are still subject to discrimination. There is still a firm conception that women cannot perform certain jobs. The traditional view regarding the distribution of roles is still prevalent despite the changing reality. Discrimination in the Arab constitutions is sometimes introduced under the title of “protection”. Just as the woman needs to be protected so does the man. In case of working in factories, for instance, poisonous dust is likely to harm both men and women alike. In addition, in several instances of protection, the woman is linked...
with the child, and one wonders whether this association implies that women are perceived as immature or lacking the ability to judge. Protective measures are certainly one form of discrimination, based upon an ideological and patriarchal heritage that emphasizes the difference of woman's biological makeup that limits her participation in the labor force. There is no real difference between what may harm man's health and what may harm woman's health. Thus, protection should include both sexes. Even those laws that emphasize women's equality are not manifested in reality: although women enjoy the same political and educational rights, they tend to lag behind men both in the political and educational spheres.

CEDAW

CEDAW maintains equality among men and women not only in relation to family matters but also in relation to social, cultural, economic and political matters. CEDAW supports what is stated in the International Convention for Human's Rights. It clearly states in the second article that all signatory countries have to take the necessary measures to ensure equality among the sexes in their national constitutions and all relevant laws. It also affirms that signatory countries should eliminate all social, political and economic forms of discrimination against women in order to enable them to practice all their rights which are related to education, professional and vocational orientation, social security, legal competence, and the right to sign contracts and run their own businesses.

Apparantly this article and others related to family, nationality and the public life were subject to reservations imposed by Arab countries which signed CEDAW. Based upon the second paragraph of article 28 of CEDAW which states that reservations contradictory to the primary aim of the convention are not permitted, one wonders whether the reservations made by the Arab countries are legal. Seemingly the status of women in those Arab countries which have signed the convention does not seem to have improved. Within this context, one could say that the restrictions imposed on woman's right to travel remain, even within the signatory countries which did not make reservations on the fourth paragraph of article 15 related to the free movement of people. Some of these countries still require the husband's approval for the woman to acquire a passport, while some request the guardian's approval of woman's application for a visa, even if the guardian was under age (Sudan). Discrepancy also exists in the area of education. Although there is no discrimination between the sexes in laws related to compulsory education and the provision of equal opportunities, the laws remain merely theoretical. The policy of obligatory education is far from applied especially in rural areas, and thus the percentage of illiteracy is still considered high among women. There is a clear contradiction between the Arab countries' attitude towards CEDAW and their real and practical attitude towards women. It is interesting to note that none of the signatory Arab countries has published its ratification of CEDAW in the official newspaper - a necessary procedure for endorsement - a sign that ratifying CEDAW has been mostly a measure of diplomatic courtesy.

In light of the above, the Arab countries that signed the convention did not take the necessary measures to eliminate all forms of discrimination against women as required by CEDAW. Thus, the position of Arab countries fluctuates between ratification, reservation and lack of commitment. One wonders whether teaching the convention in law institutes will stimulate thinking about the most effective measures needed to ensure CEDAW implementation. The fact remains that CEDAW has a greater legal force than all internal laws and, therefore, Arabs need to drop all reservations they have imposed on CEDAW because a just society requires having equal and fair laws.

WOMEN’S RIGHTS IN ISLAM AND THE CONTENT OF CEDAW*

By Mohammed Tay
Translated and Abridged by Ghena Ismail

The paper sheds light on the positive role religions have played in advocating freedom. Religion liberated man from all forms of oppression, slavery and dominion, and then left to him (the man) the power to act within a general framework based on freedom. However, human beings did not remain committed to this principle, and the strong man has imposed his will over the weak. One of the expressions of such authority was man’s oppression of woman. Apparently, women’s rights have been subject to most ambiguity especially in relation to the issue of equality.

There are contradictory stands among scholars of Islam regarding the issue of equality. While some deny the existence of such a principle, others emphasize its presence. There is a consensus among scholars of Islam regarding women’s equality to men in a number of areas such as those related to the value system and the moral and ritual duties. There is also a general consensus in relation to sovereignty, and economic and civil matters. In such areas, the Islamic positions can be considered compatible with the first and second paragraphs of article 13 of CEDAW and with the general goals set by the International Conferences for Population, Development and Women’s Problems.

Controversy among scholars of Islam becomes apparent, however, when family matters are dealt with. Some scholars account for the difference in heritage and family relationships by assuming that women are inferior. Other scholars reject this assumption and hold that women are equal to men. Equality suggested by the latter does not imply sameness, but rather balance and equivalence. The Islamic analysis of the problem as proposed by thinkers of the Iranian Revolution is that differences between men and women entail that certain rights and duties will not be the same for both of them. The rights subject to controversy can be classified into three main categories: social and political rights; issues related to choice of spouse, inheritance, indemnity and testimony, and relationships within the family.

Regarding the first category of rights, it is important to distinguish between social rights and political ones. While some Islamic jurists agree that women and men have equal economic rights, they disagree over the issue of work. Those who advocate women’s right to work state that women can take precautions by including this right in the marriage contract. They also note that woman’s work does not hold her financially responsible for the family. Thus, Islam conforms with CEDAW in this respect. Regarding other measures related to employers, Islam obliges the employer to give an equal pay to men and women, but does not bind him to give women paid leaves. This problem can be solved by establishing special funds that can be nourished through ways suggested by Islamic jurists.

Although jurists who support woman’s work advocate her right to participate in political activities, they tend to disagree over the extent/limits of this right. The majority of jurists do not see the woman as qualified to rule. The justification given by Sheikh Mustafa al-Sibai is that women are unable to perform certain duties especially in times of war and during prayers. Some others disagree on the grounds that the ruler is no longer required to lead the army in wartime. Moreover, they argue that a woman can lead prayers because the use of a woman’s voice unless seductive is not forbidden.

Concerning the choice of spouse, there is a liberal trend in Islam that encourages free and independent choice of spouse, restricting the guardian’s role to expressing his opinion. An unresolved problem, however, is related to woman’s right to marry someone from a different religion.

Regarding woman’s inheritance and indemnity, it is half the man’s. Most jurists attribute this
difference to economic factors though certain Islamic sects overlook the rules related to inheritance and allow the writing of a will. Concerning the difference in indemnity, it is attributed to economic factors related to the more serious financial loss experienced by the family when losing the man who he is usually the main provider.

With respect to testimony, it is stated in the Koran that in general the testimony should be given by two men or by one man against two women suggesting, perhaps that women are less credible than men. However, scholars reject this suggestion; they attribute the need for two testimonies to woman’s emotionality and lack of interest in certain areas. Dr. Sibai says that although Islam allows the woman free reign over her financial matters, it considers her basic mission in taking care of her family. Since this entails that the woman stays home most often, it is assumed that she rarely has the opportunity to witness financial deals. Even when she does, it is not likely that she will give the matter the needed attention which may lead her to forget some details. Based on the same logic, scholars argue that there are cases when man’s testimony is not as valid as the woman’s. The testimony of only one woman compared to that of at least two men is needed when speaking of matters related to birth, kinship, heritage, virginity and sexual disability.

When dealing with family matters, the concept of man’s superiority is highlighted. In order to explain this concept which is referred to in the Koran, the individualistic and collective rights and duties imposed on men and women must be discussed. Jurists believe that men’s duties are classified into two categories: materialistic and spiritual. Whereas materialistic duties are related to providing for the woman and the family, spiritual duties are related to protecting the wife, family and land. Concerning man’s rights, they include sexual pleasure, cohabitation, obedience, disciplining, polygamy and divorce. All scholars agree that sexual pleasure is man’s basic right, and they urge the woman to respond to her husband. This is stressed by Sheikh Mohammed Mehdi Shams el-Dine, a Shiite scholar who sees that the criterion of sexual intercourse should be courtesy which implies that the man should respect woman’s physical and mental state. The Koranic verse that states that women are entitled to enjoy what they owe in order to show that sexual pleasure is woman’s right too is a good example. The reason for the absence of a direct mention of such a right may be the fact that the woman is usually capable of seducing and attracting her husband whenever she wants to. Concerning man’s right of cohabitation, it is subject to controversy. While some scholars think that the man has the right to forbid his wife from leaving the house, others think that the woman is free to leave the house as long as it does not affect her duties towards the family. The same debate applies when speaking of the right of obedience. While some scholars think that the woman is obliged to obey her husband in strictly any matter as long as it does not contradict with her religious faith, others think that woman’s obedience is restricted to family matters. Thus, they argue that the woman is not obliged to obey her husband in relation to her personal, financial, and economic matters. As a follow up to the right of obedience, emerges the right of disciplining. Jurists see that sometimes the man has to discipline his wife. The process of discipline starts with advising the woman, then abandoning her, and eventually beating her. Concerning this,
scholars agree that it should be very slight as not to hurt her; however, they disagree over the factors that may allow the man to beat his wife. The most moderate jurists restrict beating to cases when the woman becomes disobedient. Woman’s disobedience means obstinacy and hostility towards her husband. However, beating is detested in general and this is reflected in the prophet’s own words, “The better men among you will not beat their wives.” One reason for this reference to beating a wife is that perhaps the woman in the past would not come back to her senses unless admonished because of her ignorance of her rights or duties. However, today a different solution such as divorce can be reached. Moreover, woman can include in the marriage contract a condition that prevents her husband from beating her.

Regarding man’s right to polygamy, Dr. Tay explains that women can take precaution against this “injustice” either through including in the marriage contract a condition that prevents the man from marrying another woman while he is married to her or through demanding that she has the right to divorce.

In addition to man’s rights in Islam, there is another important factor and that is woman’s rights. The first right he mentions is the dowry, and financial support. Man is obliged to give his wife a dowry before marriage and to provide for her financially during marriage.

GUARDIANSHIP
The father is the children’s guardian in Islam and the woman is not given guardianship unless the father is absent.

NATIONALITY
In principle, Islam rules that the children take their father’s nationality. However, there is no objection to agreeing differently in the marriage contract. Concerning the family name, Islam calls for naming the children after their fathers.

A woman is not expected to be a housewife in the traditional sense

SERVITUDE
It is common in Islamic countries that the woman performs domestic chores such as cooking, scrubbing, and cleaning. The majority of scholars, however, state that there is no evidence either in the Koran or in the hadith that holds the woman exclusively responsible for these chores. They even think that if a man was financially capable, he should secure a maid to help his wife. Thus, a woman is not expected to be a housewife in the traditional sense.

MAN’S BRUTALITY
If the man neglected his duties towards his wife and the family, he is considered brutal. If the woman cannot get her husband to change, she may resort to the judge who may ask her to abandon him sexually. If sexual abandonment did not yield any positive results, the judge may reprimand him. Reprimanding the man in case he did not attend to his family duties may reach the extent of whipping him forty flogs.

MAN’S RIGHT OF DIVORCE OR POLYGAMY
Woman can take precaution against this by stating specific conditions in the marriage contract.

BIRTH CONTROL
This presents an international problem because of the widely different averages of economic development and population growth. While some Islamic jurists are firmly against birth control, others allow it within certain conditions.

The society has certain duties towards the woman. These duties are related to protecting her rights within the family and society. This entails that the society should punish the husband, father or brother if they violate woman’s rights, and should also take the necessary measures to promote awareness among women regarding their rights. Finally the society should protect the woman from any form of aggression, such as prostitution.

Islam has given women very important rights, and therefore, one could say that there is no contradiction between the practical measures imposed by CEDAW and those measures imposed by Islam in order to eliminate all forms of discrimination against women.

REPORT ON THE SITUATION OF CEDAW
THE REPUBLIC OF SUDAN*

By Dr. Balghis Badri, Uz. Amel Hamza, Uz. Alawia Ibrahim

THE STATUS OF CEDAW IN SUDAN

Despite changes in the political system of Sudan since 1979, none of the four governments that came to power saw any reason to ratify CEDAW. The reasons are classified as follows:

POLITICAL DIMENSION:

All regimes in Sudan that came into power since 1979 have identified their social, economical and political priorities - but women’s issues have not been among them. No political leadership has been committed to improving the status of women. Furthermore, there has not been a clear state policy on women. Another reason is that the Nairobi Conference in 1985 did not consider CEDAW as a focus for discussion and monitoring. Hence, the international community did not put enough pressure and funds to encourage states to ratify CEDAW.

DIS-ORIENTATION OF WOMEN IN RELATION TO CEDAW

Research conducted by Ahfad University in 1996 showed that most women working in the field of women and development and in the public sector were not fully knowledgeable of the content of CEDAW. Many felt that they lacked information about the provisions of the Convention; in addition, there was a great deal of misinformation regarding CEDAW especially among men in decision making positions. Among the most important misconceptions is that CEDAW reflects Western women’s agenda and needs and is, therefore, irrelevant to women of Third World countries. Another aspect of women’s disorientation has to do with the sociocultural dimension of women’s upbringing. Sudanese women in general have been brought up to accept and follow men’s wishes. A study conducted in 1978 on Women’s Consciousness of their Legal Rights showed that many educated women were not aware of their legal rights, and those who were, felt that the law is not an effective tool to protect them against male violence. These women relied on male members of their extended family for protection. Overall, Sudanese women living in the conservative patriarchal society of Sudan may feel that CEDAW claims are too ambitious in relation to the context of their lives.

CEDAW IN RELATION TO SHARI’A

The following section discusses mainly reservations by some scholars to some of the CEDAW articles and an attempt made by consultants, based on secondary data, to refute these...
assumptions. These reservations and views cannot be seen as solid responses basis to Islam or CEDAW. Rather they should be seen as reflecting a common understanding of 'liberal Muslims' to Islam and CEDAW, as well as a common understanding of 'conservative Muslims'. More in-depth studies are needed to come to a solid refutation of CEDAW based on the Quranic text and religious interpretations of Islam.

Many of the writings in relation to the ratification of CEDAW in Muslim countries, focused on the relation between CEDAW and Shari’a. Most, if not all of these writings used the word “contradiction” to describe the relation between articles of CEDAW and the Shari’a. However, for the sake of scientific accuracy, the researchers in the present paper would like to use the term “different” in order to explain the relation. Conceptually the word “contradiction” is taken to mean that if something is actually done and/or accepted contrary to what the Shari’a supposedly requires of Muslims, it will make you sinful, disobedient to Islam, and punishable according to Islamic laws. However, all CEDAW articles which were opposed by some scholars for being non-Islamic are articles which are different from what has been interpreted by Islamic jurists or as stated in the ‘Quranic’ text - not necessarily contradictory.

To clarify this point, article no. (13) of CEDAW relating to equality in terms of “the right to family benefits”, which could be interpreted to include equality in terms of inheritance, was seen by some Muslim jurists as against Islamic teaching, since in Islam women are entitled to half the property of a male heir. However, Islamic scholars have forgotten that Islam gives any person the right to make a will dividing his/her wealth or property as one wishes, though not completely ignoring the immediate inheritors. Furthermore, there is no Islamic law that prohibits one from disposing of his/her property before death, referred to in the Quran as the mechanism of selling or donation hiba during one’s life. Therefore, such distribution of property is not contradictory to Islam but rather, representing only a different way of dealing with property based on the principles of equality and justice, both in the essence of Islamic religion.

Given the above explanation, the following points deal with the articles that are thought to be different from the Islamic Law. The reservations were presented by Sudanese Muslim male and female professionals. The following are the reservations to CEDAW expressed by Sudan on the basis of their contradiction with Islamic Shari’a. They are followed by counter-arguments on these reservations.

**MAIN ARTICLES OF CONCERN**

**ARTICLE (2)**

**RESERVATION:**
The major problem identified by some Sudanese Muslim scholars and politicians in this article is section f. Their main argument is that equality between men and women should take into consideration the teachings of Islam. Some of them went on to explain that the issue of equality has its limitations within the Islamic principle of Qawamin and of unequal inheritance.

**THE COUNTER POSITION:**
The principle of equality is provided in the Sudanese Constitution. The Transitional Constitution of 1985 stipulates that “all Sudanese citizens are equal before the law, irrespective of their sex, origin, religion or geographic affiliation.” Hence, objecting to this article is not consistent with the Sudanese Constitution. On the other hand, total equality between men and women is viewed as contradicting specific aspects in Islam such as the right to half the property in inheritance. Nevertheless, few cases should not overrule equality which is well within the teachings of Islam. The essence of Islam is equality among all Muslims irrespective of gender. Consequently, objecting to this general article is not based on Islamic teachings or on the Sudanese Constitution.

**ARTICLE 9**

**RESERVATION:**
This article is not congruent with the Sudanese Nationality Act of 1993. For a woman to obtain the Sudanese nationality, she has to be the wife of a Sudanese, whether he acquired the Sudanese nationality by birth, or by descent or through a naturalisation certificate. The act does not guarantee the same right in case of a 'foreign' husband. This is also the case with children from a non-Sudanese father.

**THE COUNTER POSITION:**
In fact, this article does not contradict Islam since nationality is different from parenthood and having a second nationality does not de-claim one’s fatherhood rights. In other words, descent claims following the father’s line would not be affected by having an additional nationality. On the other hand, some Muslim countries allow individuals to have two nationalities and give women the right to confer their nationality on their husbands and children. This indicates that article 9 of CEDAW is not contradictory with Islam but rather contradictory with Sudanese laws. Furthermore, Islam approves of inheritance claims through maternal kinship.
from mother to children and therefore acquiesces to the right of mothers to bestow their nationality upon their children.

Other arguments claim that rejecting article 9 of CEDAW is not based on religious grounds since the hadith refers only to the case of adoption and not nationality. Indeed, adoption is an issue of descent claims which is still a controversial issue between Islamic jurists. Therefore, the scholars conclude that the disparity occurs between CEDAW and the Sudan Nationality act, and not between CEDAW and Shari'a. Women groups in Sudan are recently advocating the introduction of changes to give women equal rights to confer nationality.

**ARTICLE 10**

"State Parties shall take measures to eliminate discrimination against women in order to ensure them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

a. the same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in preschool, general, technical, professional and higher technical education, as well as in all types of vocational training;

b. Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

c. The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by revision of textbooks and school programmes and the adaptation of teaching methods;

d. The same opportunities to benefit from scholarships and other study grants;

e. Same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

f. The reduction of female student drop out rates and the organization of programmes for girls and women who have left school prematurely;

g. The same opportunities to participate actively in sports and physical education;

h. Access to specific educational information to help to ensure the health and well being of families, including information and advice on family planning."

**RESERVATION:**

Despite the fact that article 10 almost coincides with the National Sudanese Plans, some male scholars considered the whole article to be against Shari'a because of few minor statements. The statements that create controversial arguments are: the concept of coeducation, the eradication of the stereotyped image of the role of women and men, giving the opportunities of training and study grants to both sexes, and finally the participation of women in physical education.

**THE COUNTER POSITION:**

It was stated by some people who were interviewed last year regarding their views on CEDAW that Sudanese customs, beliefs and religion do not encourage coeducation. The reply is that coeducation does not contradict with basic Islamic rules as there are no Quranic verses that forbid it. Furthermore, coeducation is practiced in Sudan at present since there are coeducational schools at the elementary level in rural areas and coeducation takes place also at the university level. Consequently, this article may be problematic to only a few fundamentalists but not to the state or to Islam.

On the other hand, research conducted in 1996 by Ahfad students on the image of women and men in school curricula shows that stereotyped roles of men and women are still portrayed in subjects such as Arabic, English, Religious Studies, and Sciences. Books on these subjects neglect the productive and community roles of women in the public, traditional, and informal sectors. While in reality, despite the stereotypical role of women as housewives and mothers, Sudanese women are known for their participation in both public and private spheres. These roles are encouraged by Islam and hence constitute no contradiction to the Islamic faith.

Physical education and women’s participation in sports is a cultural issue wherein Sudanese women are constrained and pressured by customs and traditions not to participate actively in sports. Despite the fact that women’s participation in all sport activities is not prohibited by the Constitution, or by Islam, there are severe restrictions in the public Act of 1992 and 1996 of the Khartoum State and the Public Orders of other different states that prohibit mixing between men and women in sports. The participation of women in public games is very limited and their input is restricted to certain types of sports primarily because of the obligation to wear the traditional Sudanese dress.
**ARTICLE 13**

"States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

a. The right to family benefits;

b. The right to bank loans, mortgages and other forms of financial credit;

c. The rights to participate in recreational activities, sports and all aspects of cultural life."

**RESERVATION:**
The law of inheritance in Islamic Shari’a appears to contradict article 13 section a of CEDAW, with the stipulation that men and women should have equal access to family benefits. From Shari’a point of view, women inherit half the share of men. Hence, the article is viewed as contradicting Islamic laws of inheritance, if the right to family benefit is understood as referring to inheritance as well.

**THE COUNTER POSITION:**
According to Islamic law, parents have the right to give donations, to designate wills, whereby they can give equal shares to their children of different sex. The issue of the principle of equality is not contradictory with Islam. Parents who make such wills are not sinful; it is simply a personal decision. Furthermore, in Sudan there are many non-Muslims who abide by customary laws whereby women are not given rights of inheritance. If adopted, this article will help all women particularly those in Southern Sudan. There is a need for more explanation regarding the details and meanings of section (a) of this article.

**ARTICLE 15**

**RESERVATIONS:**
The Transitional Constitution of the Republic of Sudan, 1985, guarantees equality before the law in its article 4 where “All persons in the Republic of the Sudan are free and are equal before the law”. Hence, one notes that there is no contradiction between CEDAW and the Constitution. However, the difference occurs between CEDAW and the other forms of Islamic laws such as the Law of Evidence, and the civil law of freedom of movement passed by the current government.

In the Law of Evidence, in Shari’a courts, the testimony of two women against one man is required. Furthermore, some believe that men are *qawama* over women as mentioned in the Quran. Al Aqqad has, among other Muslim jurists, referred to the notion of *qawama* as a basis for placing women and men in a different social, economic and political space. Hence, according to the concept of *qawama*, women and men have different obligations and rights, and there is no equality between

![Meeting scene with participants in discussion.](image-url)
the two sexes. Most male Muslim scholars advocate the concept of complementarity rather than equality.

**THE COUNTER POSITION:**
New interpretations are given to the literal meaning of *gawama*. One of its meaning is "servants" in the Arabic language; however, it is rather the Arab patriarchal ideology that led to the interpretation of the concept *gawama* as meaning domination and referring to a hierarchical relationship. In one of his articles, An Na'im asserts that the notion of *gawama* is the main source of women's status of oppression and inferiority. He argued that "this verse presents *gawama* as a consequence of two conditions: men's advantage over and financial support of women." Hence, *gawama* refers to the conditional advantage of males since they have to support women. It does not connote supremacy.

Regarding the issue of freedom of mobility, by the Transitional Constitution of 1985, women are entitled to the same rights of freedom of movement and residency. However, in reviewing other attributes of the Sudanese legal system, a prohibition of women from travelling alone could be found. According to the Ministry of Interior, there are certain rules governing Sudanese citizen's mobility, but the rules are more restrictive with respect to women. A working woman is required to take official permission from her guardian to leave the country, in case of training or official affairs. A workshop conducted in the Development Studies Research Center on April 13, 1996 discussed the issue of women's mobility. The topic raised a controversial debate in which some parties took the issue from a strictly Islamic point of view, stating that women should not travel alone and that they need a Marhim. The other party advocated flexibility of rules especially when the issue concerns working women since these are not basic issues in the Quran, but rather are based on some Hadith. Hence, it can be concluded that all allegations that this article is contradictory to Islam are not valid and not based on Quranic verses.

**ARTICLE 16**

**RESERVATION:**
The main provisions of this article are considered to be against *Shari'a*. The Sudan Muslim Personal Law of 1991 specifies very clearly the different roles, obligations and rights of the spouses. The law has no ambiguities regarding guardianship (especially for marriage), distribution of wealth, distribution of property after divorce, e.g. a wife cannot visit her parents without her husband's permission. This is the most controversial article where both males and females as well as the government believe it clearly contradicts *Shari'a* laws.

**THE COUNTER POSITION:**
The article is not in conflict with *Shari'a*, but, rather different from what is stated in the *Shari'a* regarding the responsibilities of husbands. We should differentiate between contradictory and different. The first connotes that it is sinful to accept a certain article since it contradicts the whole concept of Islam, while the word "different" indicates that such laws are not included in Islam.

Hence, equal responsibility will not make a Muslim wife sinful or not abiding by the teachings of Islam. Therefore sections c and d, refer to equal rights and responsibilities which, if included, will add a legal burden to a Muslim wife. Many Muslim wives are already supporting or equally sharing in the support of their families. In addition, stipulations in the marriage contract are given as rights for Muslim wives to demand the right to work, education etc. Sudanese law has introduced as part of its *Shari'a* family law what is known as "divorce of *Khlu'a" which means that a wife can pay a husband a compensation [decided by the judge] to get a divorce if she cannot get it by other means, i.e proving ill-treatment etc. Hence, the essence of paying the husband a compensation is known in Islam. Furthermore, the marriage is an ordinary contract in which each party can make stipulations. Normally, it is wives who make them in order to protect themselves against the possibility of subordination by the husband. To protect wives and put them on equal footing, and not infringe on their personal rights is at the heart of Islamic marital law.

Adoption of children in Islam is controversial though there is no clear verse in the Quran that prohibits it. A Hadith is quoted on the need of children to be named after their fathers in order to eliminate possibilities of incest in cases where descent is not clearly identified. Hence, adoption does not contradict with Arab culture or with Islam. It is paradoxical that current Muslim jurists agreed to abolish slavery which is accepted in Islam, but could not agree to overrule few issues related to women's rights.

RECOMMENDATIONS PRESENTED BY THE PARTICIPATING COUNTRIES

SUDAN

First: The Sudanese group believes that human rights in general, and women's rights in particular should be part of the curriculum of Law schools in all Sudanese Universities.

Second: The group underlines the necessity to incorporate CEDAW as part of the International Law course at the University of Khartoum.

Third: The group highlights the importance of calling upon all professors in the various branches of the Faculty of Law to emphasize this convention in any course related to human rights.

Fourth: The group focuses on introducing and developing further the course on human rights into the Diploma and Masters Degree in the Faculty of Law - University of Khartoum.

Fifth: The group highlights the necessity for special training on human rights and CEDAW for magistrates, lawyers, judicial, police officers and prison personnel, as well as those working in voluntary organizations, and in particular decision makers and policy makers.

Sixth: The group underlines the importance of training and improving the skills of human rights professors through allocating the necessary funds to attend short courses on women's and children's rights at national, regional and international levels.

Seventh: The group highlights the importance of allocating the funds necessary for supporting research by professors and students in the field of human rights.

Eighth: The group sees the necessity of organizing workshops to develop the curricula of Law schools in order to formulate a syllabus on human rights.

Ninth: The group focuses on the necessity to ask specialists to prepare studies on human rights, especially CEDAW and compare them with Islamic Shari'a.

Tenth: The group emphasizes the need to encourage the teaching of CEDAW in courses on women, development and political sciences, at the Faculty of Political Sciences, and the Faculty of Education at the University of Khartoum.

Eleventh: The group highlights the importance of preparing a special course on the child rights and incorporating it into the psychology curricula at Khartoum and Ahfad Universities.

Twelfth: The group emphasizes the importance of supporting the Institute of Development Studies at Khartoum University to continue teaching the courses on women, law and development studies.

Thirteenth: The group focuses on the importance of joining efforts at various local, regional and international levels to provide the research material required for all sectors interested in human rights by providing references, bulletins, and studies.

Fourteenth: A series of conferences and seminars should be organized by universities and NGOs to discuss issues related to the two conventions and issues related to the situation of Sudanese women and children in the light of the two conventions.

JORDAN

First: The group considers that the role of Faculties of Law goes beyond the teaching of international treaties. Indeed, it includes an analysis of these treaties to see their degree of conformity with the national laws. Therefore, the natural place for teaching these treaties are Law schools.

Second: With respect to the two conventions, the group considers that these represent an objective answer to the international societal look at women and children. Indeed, they form the mechanisms that could contribute to improving the situation of women and children and reaching the status of equality. This spirit is in compliance with the vision and the mission of the Faculties of Law.

Third: The group considers that Faculties of Law should formulate detailed curricula with the assistance of professors in the fields of Law, Philosophy, Social Sciences, and Education, guided by Human Civilization Studies.

Fourth: The subject of human rights should be addressed at the three levels: 1. A required course in any university education, thereby covering all university students with the aim of increasing their awareness of human rights. 2. A required course in all Faculties of Law since human rights is part of any professional training for law studies. 3. Within the higher studies syllabi, along with a discussion of the philosophical origin of these conventions, their implementation problems and related research topics.

Fifth: The courses on human rights should be taught by professors who have special training. Also, the group encourages the concept of sharing the teaching of one course among different professors to be able to cover the philosophical, sociological, legal and educational sides of the problem.

Sixth: The Faculty should encourage professors and students to join civic society associations, participate in awareness raising campaigns and acquire more knowledge on human rights.

Seventh: Students of higher studies in law and the humanities disciplines should be encouraged to conduct research and studies on the conditions of women and children and society's attitudes towards them.

Eighth: Faculties of law should ensure the circulation of all
information, educational material, training modules and activities addressing the two conventions in coordination with international organizations.

**Ninth:** University professors at the Faculties of Law should be in charge of making comparative studies between the national legislation and the two conventions. They are required to identify the areas of concordance and contradiction, and the constraints, reservations and obstacles for implementation of these conventions, as well as the means of overcoming them.

**Tenth:** Faculties should take on the responsibility of raising the interest of all national bodies and justice systems to monitor and follow up on any violation of the rights stipulated.

**Eleventh:** The faculties should try to train and develop the capacities of professors and provide them with opportunities to meet, interact, and improve their knowledge in this area.

**EGYPT**

1. Allocation of separate study programs within universities for human rights in general and women’s and children’s rights in particular. These programs should be at the level of all faculties in general and the faculties of Law, Sociology and Humanities in particular. Faculties of Law shall be responsible for the development of the required syllabi.
2. Faculties of Law shall be in charge of strengthening human rights studies at the upper levels; they shall offer a separate human rights degree (diploma) in higher studies.
3. The course on human rights, especially women’s and children’s rights, should be a requirement for training programmes in all legal and judicial faculties and in related faculties.
4. Faculties of Law shall take on the responsibility of organizing seminars, conferences, workshops and study groups in the area of human rights with a particular or special focus on women’s and children’s rights. They shall enlist the participation of all those concerned among university professors, professionals and specialists. These activities shall be organized in all universities on a rotational basis and in collaboration with governmental and non-governmental agencies, local scientific associations, and related regional and international associations.
5. Work towards allocating an adequate space within the cultural activities of students for defining and raising awareness on women’s and children’s rights in particular and human rights in general.
6. Encourage media and information agencies to cooperate with Faculties of Law for the purpose of organizing awareness campaigns and setting up programs on women’s and children’s rights.

**LEBANON**

General recommendation: Incorporate CEDAW into the educational system in general.

**Goals:**
1. Teach human rights, and in particular women’s and children’s rights in all faculties and university institutions, taking into consideration the peculiarities of each university/institution.
2. Make the subject of human rights a requirement at the university level.
3. Make human rights a subject of specialization in higher studies.
4. Establish a Chair for human rights in all universities and institutions.
5. Work towards strengthening cooperation among universities, institutions entrusted with security, judicial institutions, civic society groups, and regional and international associations concerned.
6. Introduce the two conventions into the classroom, taking into consideration the specificities of each societal unit.
7. Teach the two conventions from all perspectives.

**MACHINERIES**

1. Work towards organizing training sessions for professors of human rights at universities and higher education institutions, especially those who plan to introduce this topic in the near future.
2. Work towards providing the necessary documents and publications related to the two conventions.
3. Exchange publications and periodicals related to human rights in general and to the two conventions in particular at all universities and higher education institutions.
4. Organize training sessions that address specific issues related to the teaching of this topic in Arab universities and in collaboration with international associations and organizations.
5. In addition to lectures and theoretical training, work towards conducting field work and empirical research on the subject.
6. Disseminate to all universities and higher education institutions information related to the present workshop.

**MOROCCO**

The incorporation of CEDAW into the curriculum of law schools and institutions dealing with legal and judicial issues requires an evaluation of the present situation and identification of goals for the future, as well as the setting of a time table to reach this goal.

With respect to the present situation,

The training programs in the various universities and colleges do not deal with issues related to women’s and children’s rights in a systematic way; in most cases, training programs rarely include the teaching of human rights in a separate course. Therefore, this is an issue that should be addressed.

In as much as this plan is comprehensive, it should try to establish a link between legal topics, on the one hand, and the remaining social sciences on the other, from both the theoretical and practical viewpoints.

Faculties of Law are requested to make a special effort to disseminate information and expertise on human rights in
general and the two conventions in particular to the remaining faculties and fields of specialization. This is particularly important in the humanities, social sciences and media departments.

Based on the present administrative constraints in the short run and on the educational plan, it is possible to put together a two-phase plan:

FIRST PHASE
This is considered a continuation of the currently exerted efforts. It focuses especially on encouraging teachers and researchers to attach more importance to human rights in university curricula and sensitize all parties concerned with human rights. Special emphasis should be put on: developing models for integration of human rights in all subjects of study, encouraging scientific research and documentation, establishing specialized libraries, publishing an interdisciplinary magazine on human rights, developing educational instruments and training of trainers and convincing all parties of the necessity of coordination in the various stages of student training through addressing the problem comprehensively.

There are a number of alternatives that aim at widening the scope of knowledge with respect to the teaching of human rights. The most important are:

1. Incorporation of teaching of human rights as a subject in the Higher Institute for Judicial Studies and in the Police academies.
2. Establishing a UNESCO Chair for human rights.
3. Giving priority to teaching various subjects related to human rights to be undertaken by professors in different disciplines.
4. Providing an atmosphere that facilitates interaction and exchange of information on human rights. This can be achieved through the organization of seminars, panel discussions and training sessions at the university or around it.

There is a general will among academicians to incorporate human rights into the curricula of law schools. In order to reach this goal, coordination is going on at present among the various universities and higher education institutions and with the Chair of human rights. We think that this is a step that has to be consolidated.

SECOND PHASE
It will start in the year 2007 and will include the incorporation of human rights in an organized and comprehensive way in all legal teaching institutions. It will take place at all stages of training and will make use of the expertise of institutions working in the civic society framework to raise awareness on these rights.

Among the educational instruments that the group deems important, the following are the most urgent:
- Development of specialized national kits.
- Continuation of work with the periodical Marwan.
- Encouragement of parallel action.
- Organization of a follow up committee.

TUNISIA

The Tunisian delegation formulated the recommendations of the Workshop in the form of answers to three basic questions, namely the reasons for teaching CRC and CEDAW, the level at which this teaching will take place, and the means of teaching it.

THE REASONS FOR TEACHING CRC AND CEDAW
The main reason for teaching CRC and CEDAW is to disseminate a culture of rights, notably the child and women’s rights. A number of ministries are involved in this process, notably the Ministries of Youth and Childhood, Women and Information.

The levels at which the teaching of CRC and CEDAW will take place in a number of universities and faculties, are as follows:
- Tunis University III: Faculty of Law and Political Science, Faculty of Legal, Political and Social Science.
- Wasat University: Faculty of Law and Economics.
- South University: Faculty of Law and the University Center for Publications and Research.
- Institute of Higher Judicial Studies
- Center of Legal and Judicial Studies
- National School of Management
- Center for Research, Studies, Documentation and Information on Women.

THE MEANS OF TEACHING CRC AND CEDAW
The decision to incorporate CRC and CEDAW is that of the Minister of Higher Education. Nevertheless, in order for this to take place, the idea has to be initiated by the Faculty, and more specifically the Curriculum Committee.

Thereafter, the proposal will be sent to the University Board and then to the Universities’ Global Board. Courses taught at the universities could be divided into two categories: common requirement courses (about 80% of courses required for graduation) and specialized courses. The former are under the direct authority of the Ministry of Higher Education, i.e. their syllabi are set by the concerned Faculties.

There are two alternatives for introducing CRC and CEDAW: the first is through incorporating them into specialized courses on human rights, which are taught at all universities. Another issue that has to be considered is the professors who will be in charge of incorporating these two conventions into their syllabi and teaching them. This will have to be preceded by acquiring of documents and materials related to these two conventions. To address all the above, a coordination and follow-up committee will be established and a national workshop whereby members of the Curriculum committee of the universities are directly involved. The objective of the workshop is to formulate a national plan of action for 1998 towards the achievement of the above set objectives.
I met Dr. Salma Khan, Chairperson of the UN Committee on the Elimination of Discrimination against Women (CEDAW) and President of the CEDAW Forum, around mid October. She was invited by UNICEF and the Lebanese University to attend a workshop, held in Beirut, whose aim was the incorporation of the Convention of the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) into the curriculum of Law Schools.

Khan is greatly concerned about the status of women in her country, Bangladesh, and improving women’s status all around the world. She has worked extensively on mainstreaming women in economic development, especially in Bangladesh where women’s economic participation and contribution is not recognized. Through her interest in international human rights instruments she came to know about CEDAW and started working on it. Her aim was to make women aware of this convention which would empower them at the international level and enable them to claim and gain their fundamental rights. This year she was elected Chairperson of the CEDAW Committee and is the first Asian to hold such a position.

My mother was an exceptionally enlightened woman

Myriam Sfeir: What was your childhood like? Did you face any discrimination within the family? How understanding are your husband and children?

Salma Khan: My father died when I was one year old, so I was brought up by my mother along with my 6 brothers and sisters. My mother was an exceptionally enlightened woman. Although she never received any formal university education she was very cultured for her family enjoyed a very strong educational background. She had a strong impact on my upbringing and was the instrument that enabled me to grow and become the person I am today. I was raised in a very liberal atmosphere; my childhood was free and open considering the traditional atmosphere prevalent in the country. My mother valued education and wanted all her children to acquire a degree. She faced a lot of objection from my uncles and the extended family who complained about her giving her daughters the same educational opportunities as her sons.

Since early childhood I was taught to value justice, equality, and freedom. I was raised to believe that I was equal to my brothers and I had the same rights and privileges they enjoyed. My mother urged us to fight against injustice and that was a unique thing. My husband and children are very understanding and supportive. I know that I have been very fortunate for I was raised in a very liberal family and have a husband who gives me space and allows me to grow.

MS: Did you face any discrimination in the workplace?

SK: Personally, I never encountered any discrimination partly because of my bearing and personality. I have always been very outspoken in the sense that I never hesitated to speak out and condemn any kind of injustice. At first I faced a lot of opposition, but later on people started appreciating my courage. I always made my point without being rude. However, that does not mean that I was really given equal opportunities to that of my male colleagues. In the public sphere I always had an opportunity to speak out. Men could not exclude me from any discussion because I refused to mute my voice. I always made my presence felt and this is partly the reason why I have not been dominated by male patriarchy. Had I not pushed my way through I would never have been noticed. I made it on my own and I am proud of that.

I always encourage women to be forceful and aggressive for if women do not pave their own way and strive to make it on their own, neither society nor men will give them any opportunities. In my culture, women...
are complacent and accept their lot. Women do not speak out unless they are asked to. I always urge women to speak out for I believe we have a role to play. We should not hesitate for everyone ought to know our opinions.

MS: How active are the women NGO movements in Bangladesh?

SK: We have a very vibrant and strong NGO movement in Bangladesh. Generally speaking young women, in their early thirties, educated and belonging to the middle class, are very conscious of the problems afflicting them. They are very articulate and deeply involved in women's issues. Women insist on making their presence felt and their opinions heard and known. They are convinced that unless they voice their demands, things will be enforced on them. Yet, like most societies, women from upper class families do not participate. Being members of the privileged class they are under the illusion that they have everything and fail to recognize their inferiority. They are more westernized with priorities different than ours; however, they are a very small minority.

Women in Bangladesh are very vocal, assertive and aggressive concerning their rights and privileges because they know that if they do not fight for their rights no one will. Whenever they are discriminated against, they organize demonstrations, distribute flyers, organize press conferences in order to attract attention. For instance, last March on the occasion of the International Women’s Day, women - mostly single - spoke openly about their reproductive rights. Although the women knew that such an action would shock people, for this is a very sensitive subject in our part of the world, they went on with it because their priority is to make their voices heard.

MS: How do you define your feminism? Do you believe there is a difference between Western and non Western feminism?

SK: My feminism lies in my awareness of the oppressions and exploitation women suffer in society, at work, and within the family, and in conscious action on my part to change these conditions. My mission is to empower myself as well as other women. My responsibilities entail trying to mold the norms, traditions, and customs encumbering women and striving to wipe out discrimination by eliminating and changing discriminatory laws.

I personally do not like to draw a sharp line between Western and non Western feminism. Feminism is basically about equal rights and opportunities. It demands recognizing women as human beings whose rights must be observed and respected. The differences stem from culture. Given that Western cultures value individualism and non Western ones favor interdependence, their women differ on the surface yet their problems and demands are the same. It is false to claim that, Western women have different requirements, the only difference is that, unlike us, Westerners have come out of the closet.

MS: What are the responsibilities of the CEDAW Committee?

SK: As chairperson of the CEDAW committee I am responsible for steering the committee which consists of 23 persons. Our mandate is to oversee the full implementation of the CEDAW convention and to monitor its implementation at its various stages in different countries. Yet, our role goes beyond monitoring. We educate women and inform them of their rights and responsibilities under CEDAW as well as under all human rights instruments. Another major responsibility is to exert pressure on the states parties to fulfill their obligations. Given that governments are keen to project a positive image on the international scene and want to be accepted as progressive countries rather than violators of women and children’s rights, they are more compelled to take up their international responsibilities when pressured. Yet, we try to keep the door for negotiations open. The CEDAW committee also tries to establish contact and dialogue with states parties and intervenes when human rights violations take place. Such endeavors have proven to help women tremendously.

We also instruct UN bodies on what they should do and specify to them their roles and responsibilities especially UN specialized agencies UNIFEM, UNICEF, and WHO. Because women’s rights is an all encompassing issue which touches upon all aspects and spheres, all UN agencies have a responsibility to fulfill. We continuously monitor their progress in case they fail to fulfill all their obligation. These agencies are accountable to us. Another task is to identify the gaps within the convention, coming up with recommendations and engaging in other analytical endeavours.

We are hoping to ratify our optional protocol in two years time. Through the optional protocol, individual complaints will be entertained by the committee whereby any individual whose rights have been violated can approach the CEDAW committee. This decree when ratified will enhance the work of the Committee rendering it more effective and more powerful.
The question that will be dealt with in this article is whether the Lebanese law of personal status coincides with the Convention on the Elimination of all Forms of Discrimination against Women, or whether it emphasizes oppression and discrimination? This article sheds light on the issue of civil marriage, its implications and how it is perceived and dealt with in the Lebanese society.

The Universal Declaration of Human Rights stated in its first article that “all human beings are born free and equal in dignity and rights”. Followed in 1979, was the “Convention of Elimination of All Forms of Discrimination Against Women”, known as CEDAW, which Lebanon ratified in 1995. But a look into the Lebanese legislation reveals many violations against women. For example, the nationality law, compensation and indemnities and the right to work in the public sector, working conditions in the private sector, penal law, personal status law, etc. reflect discrimination between the sexes. Unfortunately, Lebanon made reservations to two articles when ratifying CEDAW and these are Article (9) dealing with nationality laws, and Article (16) dealing with equality in marriage and family life. In this respect, introducing civil marriage into a unified personal status law will make Lebanon drop the above reservations. But how is civil
marriage dealt with in our society?

**DIFFERENT APPROACHES**

The proposed law of civil marriage, although voluntary, has raised many religious sensitivities and has been fiercely opposed by the highest-ranking religious clerics in the different sects. But what about the reaction of civil society to this matter? What do activists have to say in this regard?

Mrs. Wadad Chaktoura, president of the Women’s Democratic Union, said that the proposal itself is a good step for it defines positions and provides space for public debate. Chaktoura added that civil marriage provides equality between men and women since the existing laws regarding nationality, social service indemnities, marriage, inheritance and other issues are all examples of discrimination against women in the Lebanese legislation. In other words, there is always control over women in the existing civil code, though this law does not concern only women, but society as a whole.

Regarding the reaction of women’s movements to the issue, Chaktoura made it clear that “for us, as a women’s organization, civil marriage is on our agenda, but in the meantime it is not a priority”. When asked why, she said that “our experience has taught us that to work on this issue alone will lead us nowhere. Our association has been advocating this law since 1976, but unfortunately there have been no concrete results.” Consequently, a new strategy was needed in our lobbying efforts, and the Beijing conference helped us in defining this strategy. One of Beijing’s recommendations was the empowerment of women and their participation in decision making at the public level. This has been adopted through our insistence on women participating in political life. This will enable women to impose changes by voicing their opinions on various issues. Chaktoura finally added that without reviving political parties in Lebanon, changes can be hardly expected especially with the domination of the religious civil code.

On the other hand, Dr. Samia Chaar, professor of Law at the Lebanese University, stressed the legal side regarding the proposed law. Chaar supports civil marriage but not in its present form. Chaar added that the law should be carefully examined taking into consideration economic and social criteria. The civil marriage proposal is incomplete because, on the one hand, it calls for the secular implementation of a personal status law, but on the other hand limits inheritance to religious courts. Chaar supports civil marriage integrated within a unified civil code.

Civil and religious marriages intersect at some points, but clerics sometimes forget that the historical context in which religious texts stemmed from has changed. Regarding women’s role in the civil marriage proposal, Chaar said it is still a largely fictional one. There is no coordination between NGO’s. Without efficient governmental institutions, efforts cannot take shape.

**POLITICIZING CIVIL MARRIAGE**

While reviewing the different attitudes and positions regarding civil marriage, one cannot but wonder at the discourse of opposition to the proposed law. This opposition is usually defended in the name of national interests, on one hand, and the interest of the family unity on the other: “this law must await a suitable political climate”; “it is not a priority ... it is a way to distract people”; “it will undermine national unity” and “threatens national security.” Some have been extreme in expressing their anger that such a law “will pave the way to another civil war” and “will threaten the ‘smooth’ relations between Lebanon and Syria.” Another opposition is based upon safeguarding general ethics and the family: “we should protect ethical standards and the family against this germ”; “it is an assault against God and the sanctity of marriage”; “it will lead to moral degeneration among the young”; and “interfere in people’s private lives.” Whatever the excuses are, one cannot but make the following remarks:

- The question is not whether to oppose or support civil marriage, but whether this issue is being politicized or simply manipulated by those in power. Treating vital issues in this arbitrary manner is not new in Lebanon; it has always been the case and it is feared that it will remain if serious action is not taken before it is too late.
- Objection to the law is a question of maintaining power; clerics are afraid to lose their power over the family, women and individual freedom. Marriages based on personal choices of the spouses rather than family arranged marriages based on religious standards, will gradually minimize traditional boundaries among sects, religions, communities and the sexes.
- The notion of the individual in our society is still fragile. Recent studies still conclude that the family commands primary loyalty in Lebanese society. Next to the family in order of importance are religion, nationality or citizenship, ethnic identity, and finally political parties.
- The proposed civil marriage law has not been taken seriously simply because it contradicts with the interests of the dominating sects that have hindered the development of a modern polity.

**CONCLUSION**

When taking on the subject of civil marriage, debate becomes absurd for it enters into a political and religious vicious circle which is difficult to break. What is needed is the following:

- We need to amend legislation which discriminates on the basis of sex because laws affect the way society functions, and civil marriage, in particular, will help remove this discrimination.
- Because civil marriage alone is not enough, we must enact a unified personal status code for all Lebanese citizens who will no longer be subjected to 18 different personal civil codes. Streamlining laws, especially those related to civil status, will secure democracy and reinforce a solid Lebanese identity.
- It is time for Lebanon to abandon its reservations and implement CEDAW’s recommendations as part of a comprehensive scheme.
It is Arab women alone who can formulate the theory, the ideas and the modes of struggle needed to liberate themselves from all oppression. It is their efforts alone that can create a new Arab woman, alive with her own originality, capable of choosing what is most genuine and valuable in her cultural tradition, as well as assimilating the progress of science and modern thought. Conscious Arab women who no longer live under the illusion that freedom will come as a gift from the Heavens, or be bestowed upon them by the chivalry of men, but understand that the road to freedom is long and arduous, and that the price to pay is heavy. Such women alone are those that will lead others to total emancipation. Such Arab women will not hesitate because they know that, if the price to pay for freedom is heavy, the price of slavery is even heavier. (Naval Al-Saadawi)

I met Dr. Nawal Al-Saadawi and her husband Dr. Sherif Hetata on their last visit to Beirut. I never expected my interview to be so informal and unconventional. It was more like a group discussion in which we exchanged ideas, and debated many themes such as feminism, masculinity, sexuality, virginity, circumcision, love, marriage, freedom, etc. The article is a summary of what we talked about.

According to Dr. Al-Saadawi feminism is neither inherent nor innate, it is something we acquire within society. In her view, women are trained to be wholly preoccupied with their appearance and clothing at the expense of their mind and intellect. She questions why men are not obsessed with their appearance and wonders why women accept to be used as sexual objects; “Because Arab girls are reared for the role of marriage, the supreme function of women in society, they are constantly reminded that their appearance should adhere to the prescribed standard demanded by men. Education, work, and a career are considered secondary matters which should in no way divert her from her primary function as a wife whose job is to cook, serve her husband, and look after her children.”

Al-Saadawi believes that the institution of marriage oppresses women who are “sold by” their parents for a mahr (dowry). They become the property of their husbands who buy them with a mukadim (in advance payment) and can later sell them with a muakhir (deferred payment). According to her, 90% of marriages are defective and hollow. In marriage women’s personalities are crushed and their voices muted. Women are often too scared to express their opinions because they are terrified of divorce. According to Al-Saadawi husbands will never respect their wives if the latter do not value themselves and fight for their rights. She affirms that self-respect and dignity have nothing to do with one’s educational background or profession. She recounts that many battered women (doctors, writers, etc.) accept their fate and stay with their husbands, even though they are economically independent, because they are too scared of divorce. In contrast, her mother who was economically dependent on her father for her upkeep threatened to leave him when he once shouted at her and told him, “Don’t ever do that again. I would rather go hungry and work as a maid than be treated disrespectfully.”

Al-Saadawi insists that saying “no” is important: “I refused to accept any discrimination based on my sex and wholeheartedly strove and insisted on defending my rights.” Al-Saadawi holds that she learned that from her mother: “I endured a lot in my two previous marriages. My two ex husbands were colleagues of mine. Prior to our marriage they accepted the fact that I was a doctor. Yet after we were married, they asked me to choose between them and my profession. I chose my profession. My relationship with Sherif is special because we are neither engrossed nor enthralled with each other. We both have space to pursue and accomplish our goals.”

According to Al-Saadawi, many women compromise and marry any man who proposes because they are afraid of loneliness. She affirms that “loneliness might destroy a woman, but it might give birth to a new person.” Yet, she asserts that when a woman opts to remain unmarried in our society she also needs a lot of support from her parents.

Sexuality, according to Al-Saadawi, is a very important issue. “Sex is politics, and these are inseparable.” Given that it is a taboo subject, a lot of ignorance surrounds it. She explains that the moral values prevalent in our society ought to be applied to all its members irrespective of sex, color, or social class. So she asserts that if virginity is required of women it should also be enforced on men. She questions the significance of circumcision affirming that “women’s private organs are extracted in order to transform them into tools for serving the patriarchal order. Women are denied the right to pleasure and their bodies are prevented from functioning normally.” She asserts that because women’s issues are world political issues, women should comprehend world politics and Arab politics and try to link them together to be able to understand why they are circumcized. Trying to understand why
women are oppressed socially, economically, politically, and sexually will enable them to understand their present situation and try and change it."

Because virginity is a prerequisite for all women, those who engage in underground pre-marital relations later undergo operations to repair their hymens (hymenoraphy). In resorting to deceitful measures, women are under the illusion that they are protecting themselves. “Women who lie carry a heavy burden for they live their lives deceiving their husbands everyday. This causes distress and totally destroys their personalities.” Al-Saadawi holds that society will never change unless women publically admit having had pre-marital sexual relations. “According to her, women should reject men who do not appreciate the truth and indirectly coerce them into lying. Going underground is not the solution.

Al-Saadawi questions the significance of a marriage contract and claims: “We have transformed marriage from an honorable act to one whose legitimacy stems from a piece of paper.” What makes a relationship honorable? What gives legitimacy to a relationship? Is it the marriage contract or the relationship itself?

Al-Saadawi strongly condemns the contradictions, double standards, and false morality which feature in all aspects of our lives. She criticizes the prevalent standards used by society to judge virtue, morality, honor, freedom, etc. According to her, contradiction is corruption and if religion, society, and the laws indirectly advocate these discrepancies they ought to be altered. “My grandmother, who was not religious in the traditional sense of the word, was strongly criticized and attacked by her fellow villagers because she refused to wear the veil. For me, my illiterate grandmother related to God and comprehended religion, although she has never read the Koran, better than anyone. The veil does not render one pious and virtuous. A woman can, at the same time, be veiled and flirt with men and seduce them.”

Al-Saadawi favours civil marriage and recounts that in Egypt all laws are civil except those related to marriage. She questions why this is the case and claims that once women, who constitute half of society, unite and organize themselves socially and politically they will be able to bring about major transformations and enforce a civil law.

Al-Saadawi holds that women are armed with ignorance instead of knowledge. They ought to educate themselves and search for answers related to all the problems afflicting them. She warns that rereading the history of women is not an easy endeavor given that it will, most probably, not conform with the prevalent discourse which is hierarchical, patriarchal and based on class. According to her the patriarchal nature of the Arab society coupled with its hierarchical and class system have succeeded in excluding women from active participation in all fields. “Women were deprived of using their intellect and were transformed into mutilated bodies whose sole aim is to cater to men’s needs.” The social institutions and laws regulating Arab women’s lives in marriage and divorce must be changed if we are to move on, affirms Al-Saadawi. “Freedom for women will never be achieved unless they unite into an organized political force powerful enough and conscious enough and dynamic enough to truly represent half of society.”

True beauty is that of a woman who is herself, who does not forge another personality in order to please her husband lest he divorce [s] her or abandon [s] her for another woman, who does not put on an appearance which is not really hers in order to catch a husband, and who refuses to distort her behavior, her desires and her conception of happiness to satisfy the norms of society in the hope that people will not fight her, or accuse her of being abnormal. Beauty comes, above all, from the mind, from the health of the body and the completeness of the self. It does not draw its existence from the size of the buttocks, or the deposits of fat beneath curves, or the layers of cosmetics, that cover an underlying anxiety and a lack of self-confidence. (Nawal Al-Saadawi)
DR. SHERIF HETATA ON HIS RELATIONSHIP WITH NAWAL AL-SAADAWI

Even though I was a leftist who believed in equality and in the elimination of all forms of discrimination based on color, religion, and class, I failed to recognize the discrimination and oppression of women who are subjected to from day to day. Nawal lifted the veil that was blocking my vision and for the first time in my life, I could see clearly. I realized that I had spent my life calling for equality, advocating freedom, and chanting slogans of democracy and, at the same time, practicing discrimination in my public and private life without even being aware of it.

Nawal valued the principles and beliefs that were entrenched within her to the extent that I knew I had to change if we wanted to build a life together. When Nawal and I first got married, we had a lot of conflicts and arguments because of my unwillingness to change, such change could not possibly come overnight. Yet, gradually I managed to rid myself of the deeply rooted stereotypical concepts which I acquired over the years. We succeeded in overcoming our differences because we both wanted our relationship to grow and mature. I changed because I loved Nawal and because I wanted our relationship to be egalitarian. We are engaged in constant dialogue, we talk about things, we support each other, and depend on each other.

Nawal and I shared everything: I helped her with the housework and we reared our children together. My friends used to look down upon me. To them I was a tool in the hands of my wife, and in their view this deprived me of masculinity. They were shocked by the fact that I cooked, cleaned, changed diapers, etc. At first I was affected by their reactions; I was shy and ashamed of helping Nawal in the housework. Yet, with time I changed, and my friend's outlooks changed too. Nowadays when my friends visit me and I'm busy in the kitchen, I invite them to come and sit with me. They have come to realize that our relationship is special and unique. Nawal and I paid a heavy price in defense of our beliefs for everything worth fighting for exacts a high price. Our inner strength and power sprang from the very special relationship we shared.

Men and women ought to unite and join forces. Our society would acquire immense power if there is equal treatment between its members, when couples work hand in hand towards a common goal, harmony, serenity, and power prevail.

ENDNOTES:

2. Owing to time limitations I had no choice but to talk to Dr. El-Saadawi and Dr. Hetata in the presence of other journalists.

Nawal al-Sayyid al-Saadawi was born in the village of Kafir Tulla, Egypt, on the 27th of October, 1931, near the Nile. She studied psychiatry at the Faculty of Medicine in Cairo, and received her doctorate from Cairo University in 1955. Between 1955 and 1965, she practiced as a medical doctor and psychiatrist in the University Hospital and in the Ministry of Health. Her practice in cities as well as in the countryside allowed her to deepen her understanding of matters related to Egyptian society, particularly women's condition. After receiving a degree in Public Health from Columbia University in New York in 1966, she returned to Egypt and became the Acting Director General and later the Director General of the Health Education Department in the Ministry of Health. At the time she also founded the Association for Health Education, in addition to serving as the director of a popular magazine dealing with medical information. She published al-Marah wa al-Jins (Women and Sex), where she dealt openly and courageously with the controversial issue of sex, religion, and politics in 1972. In it she uncompromisingly denounced women's economic and sexual oppression. It caused so much controversy that Nawal was dismissed from her job, the magazine she ran was shut down, and her books were censored. Later, the book was reprinted in Lebanon and became widely read throughout the Arab world. Al-Saadawi is the author of six books on women in the Arab world, seven novels, six collections of short stories, two plays, and one memoir, all in Arabic, many of which have been translated into several languages, including English, French, German, Persian, Portuguese, Italian, Swedish, Norwegian, Danish, and Dutch. Some of these works have been adapted for the theater in various countries. The best-known titles are: The Hidden Face of Eve, Woman at Point Zero, Two Women in One, God Dies by the Nile, Death of an Ex-Minister, She Has No Place in Paradise, and Memoirs from the Women's Prison. Her work has been crowned by two awards: the Literary Award of the Supreme Council for Arts and Social Sciences, Cairo, Egypt (1974), and the Literary Award of the Franco-Arab Friendship Association, Paris, France (1982). (Evelyn Accad, “Rebellion, Maturity and the Social Context: Arab Women’s Special Contribution to Literature.” Judith E. Tucker (ed.) Arab Women: Old Boundaries New Frontiers Center for Contemporary Arab Studies, Georgetown University 1993.)
It took me ages to land an interview with Captain Roula Hteit, the first and only Lebanese female pilot working for the Middle East Airlines (MEA). Hteit was much younger than I had expected and it turned out that we were both enrolled at the American University of Beirut in the same year. Hteit is originally from Beirut, yet, she and her family were displaced several times. She lived in the South till her university years where she left for Beirut and attended the American University of Beirut. At AUB, she majored in Mathematics and left university in her senior year (she still had one semester to graduate) and traveled to Scotland to become a pilot.

Myriam Sfeir: What triggered your decision to become a pilot?

Captain Roula Hteit: It all started when one of my male classmates at the university complained about an add in the newspaper inviting females to apply and train to become pilots. He strongly believed that a woman’s place is in the private sphere. According to him, “women are barely capable of fulfilling their obligations of taking care of the family and household.” I was not only offended but infuriated by his remarks. I challenged him and promised to apply and pass the test just to prove he was wrong. At that time I had no intention or inclination to become a pilot. To me it was just a challenge. I eventually sat for the test and managed to refute my colleague’s false assumptions for I passed the test along with nine other male colleagues. The fact that I was the only female to pass the test made me seriously contemplate taking the plunge. At the beginning I was enticed by fame and the limelights. Yet, once I took my first flying lesson my whole perspective changed. I began to love what I was doing. Aviation is out of this world, the feeling is inexplicable. There are no words to describe the sensation.

MS: How did your parents react to your choice of profession?

RH: My parents objected strongly to my decision to become a pilot. My father, being conservative and traditional, rejected the idea and refused even to discuss it. It was very difficult for him to approve of my choice of profession for it entailed traveling abroad, working late, sleeping overnight, etc. Yet, I was adamant, and when I passed all the required tests and received my letter of acceptance I returned all my courses at AUB, returned a loan I had taken to pay for my tuition, and gave my father the choice either to approve of my decision to travel or to expect no future for me. Eventually, following several heated battles my father granted me his approval. My mother and sister were supportive all along and helped me in convincing him. Now my father has accepted the fact. Anyway my work is not very tiring. I usually fly four to five times a month and most of my flights are round trips. I sleep no more than two nights away from home.

MS: In which university did you study, what are the subjects required, and how long did it take you to graduate?

RH: I studied at Perth Aerodrome in Scotland. It is one of the best aviation schools in the world and is frequented by students from different nationalities. I was sent by MEA along with two other male colleagues (one of them is my present fiance). I lived in Scotland for one year and one month and received a Commercial Pilot License. During the first two months we learned how to communicate via a radio (radio telephonic). We studied meteorology, the theory of aviation, the plane, its engine, other mechanical instruments and how they function, etc. After that we started alternating between flying lessons and theory courses. Our first 15 hours of flying were spent with an instructor, but then we started to fly solo. I still remember the magnificent feeling that engulfed me the first time I flew a plane on my own. In Scotland we were trained on several different planes, and when we returned to Beirut we started practicing on MEA jets. Overall it took me approximately three years to become a pilot. Aviation involves a lot of hard work and training. Although I have finished my university degree, there are always workshops and training sessions to attend. We constantly have training courses on how to operate new planes bought by MEA. Besides, every six months we...
receive a medical checkup to ensure that we are healthy, and a stimulator test introducing us to all the emergencies that are bound to occur on a plane as well as a route check. So aviation is not an easy profession, it entails endless studying and a lot of hard work.

MS: Did you face any discrimination?

RH: At Perth Aerodrom I faced no discrimination whatsoever; men and women pilots were treated equally. Yet, when I came back to Lebanon I faced a lot of problems, for the mentality here is traditional. For instance, I had to undergo training that was much more intensive than any of my male colleagues. The trainers always kept in mind that I am a female and all eyes were on me waiting for me to commit a mistake. I often complained about their unfairness for I was constantly scrutinized and under surveillance. This strictness in training is not just prevalent in the Arab world, it is common elsewhere too for I have read that the first female pilot in the USA experienced similar problems. Besides, some pilots at MEA strongly believe that females are incapable of flying a plane. I don't even try to prove myself to them. I have confidence in myself, and they have to realize that they are no better than I am. I really do not understand why gender should matter once one qualifies to become a pilot.

MS: What are people's reactions when they learn that you are the captain?

RH: Once we were going to Jeddah and the door to the captain's cabin was open, an elderly man saw that I was the pilot in charge. He was so terrified that he started screaming hysterically, "I do not want to die." The flight attendants tried to calm him down telling him that had I not been capable of doing my job they wouldn't have entrusted me with their lives. He managed to calm down and once we landed he thanked me and apologized. After that incident I stopped doing the passenger announcement because passengers in Lebanon cannot accept the idea that a woman is capable of flying a plane. I once went to collect my uniform, and the lady in charge refused to give it to me informing me in a very strict manner that Captain Hteit should come and pick it up himself for he has to try it on. I told her that I was captain Hteit, but she did not believe me until I showed her my ID which gave her such a shock. At first, such incidents used to upset me but now I'm getting used to it.

MS: Congratulations on your engagement. How did you meet your fiance and what are you planning to do once you get married? Will you go on with your career?

RH: My fiance is a colleague of mine. We are both pilots. We met in Scotland and studied together. We used to argue a lot when we were colleagues for he was very traditional in his thinking. He refused to accept the idea that I was his equal. Yet, gradually he began to change especially when we had to do our training together in Frankfurt. He realized that I was as good and efficient as he. He has changed a lot since we met and is now convinced that the only difference between us is our sex. He is very supportive and understanding. When we get married I will go on with my work, but when I get pregnant I will have to stop working for a while. The Middle East Airlines still does not have any rules and regulations regarding maternity leave, for I am the first female pilot in Lebanon. Even my uniform is just like my male colleagues' uniforms. It's a man's world. What I presume MEA might do is look into other European airlines regulations and try and devise their own. For instance, British Airways allows a pregnant pilot to fly until she is 3 months pregnant, then she has to stop. Two months after delivery she is allowed to resume work after undergoing intensive training courses, tests, as well a medical checkups. If I decide to stop working for one year after conception I would be entitled to unpaid leave, yet once I return to work I would have to undergo intensive training sessions, simulator tests, etc. Apart from marriage, I am planning to finish my final semester at AUB in order to acquire a BA. in Mathematics.

Endnotes:

1 Two thousand candidates sat for the test
2 In one of the tests I had to sit for, we were taught how to fly a plane
3 A written test, then a medical, then an interview, then a test in Jordan, and finally one in England
4 The maximum Hteit has flown is seven round trips per month.
5 They were trained on single engine planes and twin engine planes with several seats.
6 There are a lot of limitations when you are a pilot. If you are overweight, have an earache, or a cold, you are stopped from flying.
With Wisdom, Wit, and Resistance, Women Weave a New Europe:

A Report from the Third European Summer Academy for Women

by Irma K. Ghosn, Instructor of English, LAU Byblos

More than a hundred women from 27 countries in Europe and the Middle East gathered for the Third European Summer Academy in the Protestant Study Center in Boldern, Switzerland. From August 9 to 16, 1997, the group explored new ways to a more harmonious, just, interreligious and intercultural living in Europe. The theme, ‘Striving for Community: With Wisdom, Wit and Resistance Women Weave a New Europe’, pursued the Summer Academy goal of building a more peaceful world.

The speakers and workshop presenters portrayed a truly global mix. Dr. Gret Heller,¹ was the opening speaker. In her view, the coming together of Europe is a truly feminine construct, and her outlook was overall positive.

Dr. Heller and Professor Susanne Schunter-Kleemann,² saw the birth of a new Europe “not happening in the spirit of peaceful transnational interconnections, but in the spirit of violence. The doctrines of globalization, of the ‘globalitarian’ regimes and policies are restricting the social rights of citizens to the principles of free competition, and all spheres of societal life are suffering from the arbitrariness of financial markets.” Professor Schunter-Kleemann sounded a warning on the new single market as marginalizing more groups, especially groups in which women are in the majority. Among these groups are families with many children, the chronically ill, the handicapped, the ‘working poor’, the elderly poor, and unemployed youth. There exists, in her view, “a cumulative of dangers - discrimination in the work place and in employment practices, more difficult access to social security systems linked to remunerated work, risks of pauperization because of work and public spending cuts - which lead to the fact that women are more at risk to become and to remain poor.”

Dr. Riffat Hassan³ presented an illuminating comparison of women in Islam and Christianity. She addressed three foundational assumptions underlying the view of women in both Islamic and Christian traditions: the creation of woman, the responsibility of woman for ‘Man’s Fall,’ and the reasons for woman’s creation. In her conclusion she stated:

There is hardly any doubt that women have been discriminated against by patriarchal Christianity as by patriarchal Islam. However, the re-reading and re-interpretation of significant women-related Biblical and Qur’anic texts by feminist theologians has shown that it is possible to understand these texts in more than one way, and that - in fact - understanding them in egalitarian rather than in hierarchical terms is more in keeping with the belief, fundamental in both religious traditions that God, the universal creator and sustainer, is just to all creation.

Aruna Gnanadason⁴ spoke eloquently and movingly about violence against women. She shared with the participants a number of testimonies on physical, emotional, and structural violence women suffer from around the world. In her words, “women have recognized that they need to speak out about the violence - they need not be silent any longer. They need not bear silently the scars of a dehumanized society, which has systematically condoned and even legitimized different expressions of violence.” She linked the violence women experience in the privacy of their lives to “other systemic forms of oppression which include the militaristic and violent patriarchal culture.” Gnanadason urged women to “explore ways by which we can support each other in our struggles for a just and violence free world”; however, in order for women to succeed in this task, we need to walk together, naming our differences, acknowledging the contradictions that do exist among us, transcending human made divisions and fortresses and systematically building a global chain of solidarity of sisterhood. This cannot be done lightly, it has to be a conscious
political choice. In a world of so much mistrust and fear ... we need to create the space so that we can look into each other’s eyes unafraid.

While the moving presentations of Eleonore Wiedenroth and Flois Knolle-Hicks on racial intolerance and violence demonstrated how women do violence against one another, and what the consequences of this violence can be, Aruna Gnanadason’s poem on the circle of feminist power captures the essence of how we might change and what we should strive for:

Our bodies - our selves
Violence against women destroys community
I stand here unflinching
As wave after mighty wave hits at me
Rips into my face .... my body,
Cuts into my heart ....

This, the wave of patriarchal violence,
And that, the power of “development” Threatening all I am and all that I know,
This the wave of poverty and hunger;
And that, the power of reproductive technologies,
Which have colonised even my womb.
This, the wave of racism and xenophobia,
And that, the power of religion , its theology,
Its doctrines that legitimise my pain.
This, the wave of wasteful consumerism,
And that the rift between people and all the earth,
With the destruction and tyranny it entails.
This , the wave of globalisation of the market,
And that , the fragmentation of communities, of cultures,
Of ways of life and also of our souls ....

Wave after mighty wave hits at us,
But we stand here undaunted,
Unafraid ....
Because we hold each other tenderly
In the warm circle of feminist power.

This arm encircles the pain of the violence he inflicted on you my sister,
And that , embraces the hurt of a woman marginalised by her colour and her race.
This arm encircles the woman who is a victim of rape and abuse in a war torn country,
And that embraces you my sister who is too old, or too fragile or too ill.
This arm encircles the woman who is just too lonely, too isolated, and very alone.
And that, embraces my lesbian sister who experiences violence at every turn.
This arm encircles the tears of a woman who has lost a son - a victim to malnutrition.

And that, embraces the wounded feet and hands of a girl child who has been sexually abused.

Yes, we hold each other up in a circle of feminist power
And we stand here unflinching .
We stand here unafraid ....
We look into each other’s eyes with courage and energy
A circle of life .... of resilient power ... and of love .

Then :
We will hold each other up in a circle of feminist power
And we will stand here unflinching
We will stand here unafraid ....
We will look into each other’s eyes with courage and energy
A circle of life .... of resilient power ... and we will dance ....

We will hold each other up in a circle of feminist power ...
And we will dance ... and we will dance ...and we will dance ....

The daily workshops offered a choice ranging from building interreligious communities and feminist theology, to music and resistant fashion. The workshop groups formulated a draft declaration, which is summarized here (subject to modification):

Tschernobyl victims and democratic initiatives in Belarus. Since the referendum of Nov. 24, 1996, any signs of democratic development in Belarus have been obliterated. Freedom of the press, trade unions and demonstrations have been abolished. Arbitrary arrests and fast trials have become routine.
Democratic NGO’s are frequently labeled as criminal. An organization under particular threat is ‘To the Children of Tschernobyl’ foundation which coordinates 500 initiatives abroad and 72 in Belarus. The leaders of the foundation, Drs. Grushewoj and Grushewaja, had to seek political asylum in Germany because of an arrest warrant, defamation, and persecution. We appeal to the churches, the Conference of European Churches and the World Council of Churches to protest against the arbitrariness of the dictatorial regime and to support the foundation so that it can continue to give individual assistance to people in need.

Women’s bridge Sarajevo - Mostar - Belgrade. We support the networking of women’s initiatives in cities marked by war and violence, which serve the purpose of healing traumas suffered by women and girls, offer counseling for social and personal needs, and promote initiatives for economic autonomy. This contribution is important for the prevention of violence against women and for democratic reconstruction. We consider this networking as a model for other regional conflicts in Europe.

Feminist theology. We affirm that feminist theology is doing theology as women, starting with the experiences of women in their everyday life and remembering women in the context of the Christian faith. By doing this, we discover a faith dimension which adds to existing ways of doing theology. We have learned a great deal from the rich body of feminist research now available in the fields of exegesis, systematic theology, and spirituality. However, we feel there is a gap between theology and the educational process required to involve women (and men) in this thinking. We express the need for a comparatively simple curriculum combining scholarly insights in simple form, with a new holistic methodology for use in grassroots programs with women. We recommend a preparation of such ecumenical compendium for doing feminist theology in women’s groups. It should be easily adaptable to local situations and different Christian traditions.

Interreligious dialogue. The Third Women’s Summer Academy has opened a path to interreligious community building by initiating an encounter between European women of different faiths. The initial step in the process, learning about the self and the other, needs now to be expanded to include closer examination of ways how Christian and Muslim women live in their respective societies and look into possible ways in which these women could work together to translate the knowledge and insight gained in the Academy into an educational process. This could perhaps be best accomplished within cultural contexts where interreligious encounter is lived daily. We recommend the repetition of the Academy experience in Albania, Bosnia, or Lebanon.

One of the workshop groups also worked on a response to the Global Ethic document, prepared by Hans Kung and likely to be adopted as a universal declaration by the United Nations. This document, which reflects the white, Western cultural and religious values, is primarily ‘androcentric’, with humanity largely defined and measured through the male experience. According to the document, the world is in crisis because of “the lack of a grand vision, the tangle of unresolved problems, political paralysis, mediocre political leadership with little insight or foresight, and in general too little sense for the commonweal.” It proceeds to present a “global ethic - a minimal
fundamental consensus concerning binding values, irrevocable standards, and fundamental moral attitudes." There is nothing wrong with the principle itself. Hardly any one would argue against the full realization of the intrinsic dignity of the human person, the inalienable freedom and equality in principle of all humans, and the necessary solidarity and interdependence of all humans with each other. It is perhaps because of its method of conception that the document has aroused criticism. Although calling for a fundamental consensus on binding values, irrevocable standards, and personal attitudes, it is, nevertheless, a document drafted (as far as I know) by a small, select group of affluent, white, Western males. It might have been more reasonable to gather a more representative group to do the initial drafting. As it is now, it is one more example of the Western (male)-dominated world view being imposed on the rest of the world.

'Images of the Compassionate Presence' was a thought-provoking art exhibit which ran during the Academy. A series of paintings, drawings and monoprints by Janice Pozzi-Johnson, presenting God and his love for humanity from the perspective of feminist theology. The artist has been inspired by the concept of God's compassionate 'womblove' and describes the birth of these works as her attempt at finding a new, alternative symbolism that speaks to the birthing, nurturing, ever-creating, and re-creating dimensions of the Divine which enfolds, sustains, and frames the human family. Her image of God is of 'God who longs to gather us as mother hen gathers her brood under her wings; the God in whom we are endlessly born and out of whom we shall never come.' Her work especially the large canvases, impressionist images of the womb, the ovum, and the pregnant belly, are not without their critics. It was very difficult for me, a woman though I am, to identity with the symbolism in these paintings, and to reconcile them with my concept of God. Artistically, although some of the canvases had an interesting luminescent 'glow,' the works did not speak to me either. The largest of the pieces, 'How I have Longed to Gather You,' in particular, was rather flat and single dimensional. The image of the Divine was represented as a rendering of a grieving woman with somewhat Middle Eastern features, with a brood of skeletal characters in her arms. Although the image may reflect the spirit of love God has for mankind, it fails to capture the magnitude of that love. I do understand, however, how the paintings may speak to women suppressed by patriarchal images of God. To me God has never been 'gendered' - just as it is not appropriate to cast God in a male role, it is not wise to cast God in a female role either. Both 'castings' will impose on God qualities that are very human, something that we can understand through our human experience. This human experience, however, is by definition limited to humanly comprehensible concepts and ideas. To equate God to a mother hen, or the creation of the universe to the birthing process reveals our very limited and simplistic human vision, quite as limited as equating God with a father image. In a sense, though, I admit that Pozzi-Johnson's paintings do raise awareness of the finite ways we tend to perceive God, and that her approach might provide spiritual strength and new, fuller images of the Divine to many women and men. At the same time, however, she simply presents a flip side of the patriarchal coin - the matriarchal image of the Divine. It would perhaps be more constructive to look for symbolism that would be more inclusive, rather than exclusive, symbolism that would allow us to transcend the human imagery.

What was remarkable about the Academy, was the bonding and the sense of togetherness that was experienced by the participants. Many friendships were forged and networking is going to continue long after the Academy. The driving force behind the effort is a three-woman team: theologians Reinhild Traitler and Elisabeth Raiser of Switzerland and Tetri Pirri-Simonian, education secretary of the World Council of Churches (originally from Lebanon). Lebanon was represented in the Academy by three women: Manousha Boyajian from the Middle East Council of Churches and Mona Khalaf and Irma Ghosn from the Lebanese American University.

1 Former Speaker of the Swiss Parliament, former Swiss ambassador to the Council of Europe, and presently the Ombudsperson for human rights issues in Bosnia-Herzegovina in Sarajevo.
2 Political scientist, co-founder of the Women's Studies and Research Program at Bremen University, and a member of the Working Group on Alternative Economics.
3 Professor of Religious Studies at the Louisville University in Kentucky.
4 Coordinator of Women's Programme, Justice and Peace Creation Unit, World Council of Churches.
6 ibid.
7 ibid. p.13
8 ibid. p.14
9 ibid. p.15
The Forgotten Queens of Islam

by Fatima Mernissi
Reviewed by Lina Alameddine

In The Forgotten Queens of Islam, Fatima Mernissi presents us with a scrapbook of historical facts, word analysis, valuable questions, personal viewpoints, and various exotic anecdotes of Arab queens, who once reigned supreme. Her attempt is to uncover the story of women who were leaders in the patriarchal political, social, and religious world of their time. Why have these women been effaced from history? Who were they? And how did they attend this power? These are all questions that Mernissi battles with throughout her account, in the hope of challenging our perceptions of Islam as a misogynist religion.

Mernissi begins her account with “How Does One Say ‘Queen’ in Islam?” She starts off with the word analysis method. ‘Caliph’ and ‘Imam’ are the two most specific titles of power in Islam. Her description of what these titles entail is specific — No woman that she has encountered in her research has ever borne the title of caliph. In order to bear such a title, one needed to be male and Arab. While the latter has been challenged on numerous occasions, no one has ever dared to question the former criterion, for “it would be a blasphemy”, she tells us. She asks: “How could Islam reconcile these two points: the principle of equality among all believers and the very restrictive criteria for the ‘caliphate’?” (p.23). Although her answer to such an essential question is not clear, she skirts around the gap which exists between the ‘Caliph’ himself and the ‘amma, which is the masses. Indeed, women were viewed as being a mere part of the masses with no right to exercise divine power.

This latter chapter, in many ways, sets the precedent as to how this book unfolds: a string of questions; historical information; anecdotes of former queens and certain key notions, which are integral to our understanding of the Islamic societies of the past.

On one level, it seems that Mernissi’s goal in this book is to unveil and re-educate her readers to a past that has been neglected. Queens and any other type of leadership positions, held by women, have failed to be the focus of historians and academicians. Thus, she undertakes the task herself. With time, and the ever-constantly evolving societies, it is very easy to assume that the notion of a woman in power could never have been allowed to exist. This is due to the common belief that society is always changing for the better.

On another level, one needs to consider what the author was hoping to achieve in producing such a work. Unveiling the stories of such rebellious women is educational but what does one gain from this? I, myself, was surprised to find such a number of respectable women in Islamic history. Although the stories are essentially captivating, one cannot help but question Mernissi’s direction with these repetitious anecdotes. Did a woman need to be beautiful and manipulative in order to gain public support? Or were these coincidental characteristics forgotten because history has been recorded from a male perspective? And is Mernissi afraid of re-writing history as it had once been perceived? The answer is left ambiguous throughout the account. We are never sure of the precise and underlying thesis of this book and are, therefore, never allowed to find out whether Mernissi is, in fact, achieving her objective.

We also need to consider Mernissi’s process of selection. Whenever a decision is being made to analyze the past or re-discover history, one is already being subjective, because that decision emerges from a personal interest to prove a certain notion. This account is permeated with the author’s personal viewpoint but, even within the historical information that she provides for her readers lies a certain subjectivity, as it is only serving in constructing Mernissi’s personal argument. Therefore, the several cases of women who were successful in transcending their social limits could very possibly be only a handful of examples amongst a much larger group of women who may have attempted to rise above their confinements, but failed.

One question that Mernissi tackles throughout this book is that of amnesia which affects all historians regarding these forgotten queens. Mernissi’s method of investigation entailed going to libraries, leafing through out-dated books and talking to historians. “No one remembers them!” (p.116), she cries, but why? She surely has not overlooked the fact that all the
sources she uses were written by men. However, it is precisely this amnesia that helps support Mernissi’s argument, be it when she is dealing with the queens or developing key historical notions.

Islam is a dual concept which merges the divine law of Allah with the secular, political, earthly world. Neither of these two worlds has room for female leaders. Women could not lead prayers in the mosques and, therefore, could not be heads of state. A woman’s place was in the ‘private’ space, either within the walls of her home or in a harem. Thus, whenever a woman fought her way into a leadership position, either by strategic manipulation or through her relations with certain men, it was immediately perceived as a threat and a symbol of a faltering society. Mernissi calls this ‘fitna’ or social chaos. Perhaps, one of the reasons these women were able to acquire power are the unstable regimes which may have been living under. And no one, especially no male historian, is willing to remember and record such unhappy times.

Mernissi suggests that another incentive for this “amnesia” can be explained in terms of geopolitical factors. Yemen is an exceptional area in the Arab world, because two women “enjoyed the privilege and unquestioned criterion of head of state …” (p. 115). They were Malika Asma and Malika Arwa. They held the right to have the Friday ‘khutba’ pronounced in their name. So why then, have they been forgotten?

Mernissi believes that “the fearful ghost that the memory of Asma and Arwa raised is that of the shi’ia” (p. 118). Asma and Arwa were both shi’ia Muslims during an era of heavy sectarian conflict. Mernissi’s proposal is not far fetched when she claims that Asma and Arwa are forgotten because no one wanted reminders of political disputes. It is no longer a gender issue, but rather one of religious belief. This raises the question: “does Shi’ite Islam distinguish itself from Sunni Islam when it comes to the political rights of women?” (p. 149). This latter question carries us to the concept of race: “did the queens of Yemen have the right to the ‘khutba’ issued in their name because they were Yemenis?” (p. 150). Does one explain their case by arguing that it was their form of religion which enabled them to be heads of states, or was it their “cultural specificity”? Mernissi raised this issue several times. The notion of religion is quickly erased, seeing that the one agreement that the shi’ites and the Sunnis hold is their similar attitude towards women in politics. Mernissi’s conclusion is that their accessibility to queenhood was due to “regional cultural factors” (p. 176). This may be her final word on the issue, though, as she does not fully expand and clarify this point.

Although Mernissi states her aim in the “Introduction”, it is not until the chapter entitled “The Criteria of Sovereignty in Islam”, that we are able to discern a more lucid sense of what she is really trying to achieve. The hierarchical system is scrupulous in its treatment of both its women and the ‘amma, the masses. Women like the masses, are perceived as a threat to the system. Thus, the desire to “veil women is really the desire to veil resistance” (p. 85). Mernissi tells us that history has also been hidden by a veil which needs to be torn down. She points to the importance of studying the desires of both, the masters and their “supposedly weak, defenseless subjects” (p. 84), in order to understand the dynamics of a particular civilization. It is time to begin to rewrite the history of the Muslims …” (p. 84). It is in this latter sentence, where Mernissi’s genuine thesis lies, undercover, hiding behind the plethora of information and sarcasm that she has presented us with throughout her entire work. Unfortunately, she fails to develop it adequately and leaves us thirsty for more information and argument. The technique she employs is a quasi-stream of consciousness technique incorporating ideas, discussion, and details. She continues by challenging history and demonstrating a need to probe into “the swampy, dark areas of the marginal and the exceptional,” to discover the history of resistors: “This is the only history that can give back the Muslims their glorious humanity” (p. 85). Furthermore, she believes in the need of “admitting that there are several historical truths” in order to get beyond the Islam of the cliches and thus acquire a more complete image of the past. She ends this chapter with yet another thesis for this confused book. This time she asserts the need to move away from the notion that these queens of the past were exceptional and extraordinary females. They were ordinary women who were able to make the most of their resources and capabilities, without fearing the constraints that society imposed on them. She does not expand on what these ‘constraints’ may have been. I fear that Mernissi aspired towards several ‘aims’ in writing this account and failed in answering them.

The Forgotten Queens of Islam is an important account which should not be overlooked despite its repetitiveness and despite the fact that it appears to be a story book of erotic, beautiful women from the past. Mernissi raises many valuable points and questions. She also helps clarify historic details of relevance to the issues. However, I do not think that Mernissi succeeded in putting across her real objective perhaps because of a certain fear of the consequences of raising certain sensitive issues that, she felt, had better remain untouched.
Salwa Nassar as I knew her

Institute for Women Studies in the Arab World, Beirut, 1997
By Najla Aqrawi
Reviewed by Nazik Saba Yared

The book is a touching homage to the first Lebanese woman physicist, Dr. Salwa Nassar, written both with love and admiration. Before embarking on Salwa Nassar’s life, the author sets the background presenting a lively and very picturesque image of Beirut in the first half of the Twentieth Century: its schools, poets, writers, and teachers. At the same time, the author gives a brief history of the Junior College, (a women’s college, now the Lebanese American University) in its early days, its curricula and strict rules and regulations, student life, and social and cultural activities. The rest of the book reveals the social constraints imposed on women’s clothing, outings and activities, as well as the economic hardships the Lebanese people had to endure during and after the first World War. The book also refers to the many volunteers both men and women, professors and students who helped alleviate the social and economic hardships the people were subjected to.

Mrs. Aqrawi starts her book by remembering her first day at the Junior College in 1931 when she met a fellow student, Salwa Nassar, who later was the same friend who dictated to her her will, when she was on her deathbed in Middlesex Hospital in London. Between that first meeting and the last, the author gradually unfolds the life and work of an exceptional woman, gleaning information from numerous reference books, letters, documents, interviews, and people who knew Dr. Nassar, as well as from her own personal memories of the unforgettable years she spent with her.

Salwa Nassar came from a poor family in Shoueir, but her outstanding performance in mathematics since her early childhood helped her obtain a scholarship to enter the Junior College and later AUB, where she was the first woman to enroll in the Mathematics Department. While studying, she assisted in the chemistry laboratory at the Junior College and gave private lessons, and after graduation she taught mathematics, first in Palestine and then in Iraq where the author describes the prevailing political and social atmosphere. Her dream was to save enough money to enable her to pursue graduate studies in the United States and specialize in Nuclear Physics. Since she had been offered a scholarship by Smith College, she enrolled in that College in 1939 and obtained her M.S. in Physics, then went on in 1940 to Berkeley University in California to work towards a Ph.D. with such world famous physicists as Oppenheimer, McMillan, Lawrence and others. The outbreak of World War II deprived her of the necessary material to carry out her experiments, so she interrupted her work and went back to teaching physics at Smith College until she returned to Berkeley where she taught and continued her studies, and finally obtained her Ph.D. in 1945 on “Cosmic-Ray Showers.” Salwa Nassar was thus the first Arab woman to specialize in nuclear physics and the eighth woman to graduate from Berkeley with a Ph.D. in Physics. In the meantime, Nassar had become a member of several scientific societies, had published many papers on nuclear Physics in the most prestigious scientific journals, and had the results of her research included in a university textbook on modern physics. She received many offers for a teaching position in physics in the best American universities, but she turned them all down to return to Lebanon in 1945 and serve her own country where scientific research was virtually unknown, and where the most elementary laboratories were unheard of.

She started off by teaching at the Junior College to which she felt attached and indebted to the end of her life. Naturally, she introduced a number of Physics courses into the curriculum. Between 1949 and 1950, when she was visiting her professor at Ann Arbor University, she was asked to equip a Cloud Chamber for the Physics Department there. Back in Lebanon, she taught physics at AUB, before becoming head of the Physics Department until 1965. Here she devoted all her time and effort to the academic development of the department acquiring some equipment such as a microscope for nuclear emulsion and a neutron monitor. During this period she actively pursued her scientific research abroad, lecturing and writing, participating in international conferences and advising on scientific reforms in education in Lebanon. The author refers to some of Dr. Nassar’s many talks and papers, summarizing the main content of those that were not on nuclear physics, but on general subjects such as education, creativity, religion and science.

Dr. Nassar was also responsible for the founding of the Lebanese Institute for Scientific Research, struggling for ten years before it finally saw the light in 1963. In recognition of her research and educational efforts she was granted several medals, and her name appeared in the 1960 issue of the “Who’s Who in Atoms.”

Salwa Nassar’s love for her first college made her give up her scientific research once again to become in 1965 President of Beirut College for Women (formerly Junior College), a position she, unfortunately, could not hold for long. One year later she fell ill with cancer and died of leukaemia on February 17th, 1967, at the age of fifty four. Yet, in the short period of her presidency, she managed to improve the
curriculum and keep a balance between a liberal arts education and scientific specialization.

The author describes the last days of her illness and her funeral in full detail and with deep emotion. Added to the value of this exceptional woman’s academic achievements are the numerous stories and anecdotes entwined with the facts of her daily life that enliven the book and make for fascinating reading.

Salwa Nassar was not only an outstanding physicist, but a woman who strongly believed in women’s rights to liberty and equality with men, as well as their right to education, and the best in Western civilization. With great love and affection, the author also introduces us to the various aspects of her friend’s personality: her sensibility, modesty, self confidence, and acute sense of humor. Her moral courage as well as her generosity of heart incited her to abandon many opportunities in the United States in order to serve her College and country.

Reading Mrs. Agrawi’s captivating book, leaves the reader with a feeling of great admiration for this unique woman and a hope that it will create among our young women and men, a desire to emulate her and follow in her footsteps.

By Najla T. Akrawi

In September 1931, Najla Tannous, a graduate of the American School for Girls in Tripoli and Salwa Nassar, a graduate of Broummana High School, joined the freshman class of the Junior College in Beirut. It was a bold step for the two teenagers to pursue Higher Education, a privilege, usually reserved for boys at that time. They both came from a rural background and culture with strong ties to the native soil from which they drew vigor and inspiration. Najla came from Bishmizzeen, a village in the Koura district in North Lebanon, and Salwa from Shweir in the Metn area. They had many things in common, which brought them together, and developed into strong ties of genuine friendship, which lasted for many years - a life time for Salwa, and ever present in the memory of Najla ....

Hardwork, integrity, a deep sense of loyalty to family and educational institutions, pride in achievement, and an innate sense of humor were some of the traits they shared and lived by over the years.

In 1933 they graduated from the Junior College and were the proud holders of a Sophomore diploma with honors. Salwa joined the Faculty of Arts and Sciences at the American University of Beirut and Najla went to Iraq to teach at the Girls Training School in Baghdad. In later years they met again, in Iraq, Beirut, Paris, London, and finally on this campus (of The Lebanese American University), where they attended the ceremony of the laying down of the foundation stone of Sage Hall in 1933 .

In 1965, Salwa became the president of Beirut College for Women and her friend Najla was ever ready to help in any capacity. Najla made her contribution through her work with the Alumni Association as board member and later as president of the Alumni Association. This book you have with you today is a reflection of a deep friendship of two kindred souls. It is a work of love for an institution they both considered as their second home, but above all it is a tribute to the memory of an exceptional Lebanese woman who made her stand among the great of this world.