

The Woman Question

by Haleh Esfandiari

October 10, 2003, was a significant day for women throughout the Middle East. Shirin Ebadi, an Iranian activist, was awarded the Nobel Peace Prize in recognition of her work in Iran for human rights, women's rights, and children's rights. Through her, the prize acknowledged the wider struggle Iranian women in particular, and Middle Eastern women generally, have waged to gain their rightful place in their not-so-hospitable societies. The Nobel committee put Middle Eastern governments on notice that the international community is following with keen interest the efforts of women in the region to achieve equality under the law.

For Iranian women, Ebadi's Nobel Prize had a special poignancy. It rewarded their quarter-century fight against a political regime determined to turn back the clock on women's rights. Ebadi, a practicing lawyer who was born (in 1947) and educated in Iran, was among the first female judges to be appointed to the bench under the shah's regime, in 1975. Although she was an activist in the revolution against that regime, Ebadi was purged by the Islamists after they came to power in 1979, when women were barred from all judgeships. Following her dismissal, Ebadi established a private legal practice, taught law at Tehran University, wrote on legal matters, and worked passionately for women's and children's rights. Like other activists in the Islamic Republic, she was thrown in jail for specious reasons, and she was barred from practicing law for five years. But she was not deterred.

Ebadi's prize created great excitement in Tehran, and great consternation in the Iranian government. President Mohammad Khatami, who owed his presidency in large part to the votes of women and the young, shocked those who regarded him as an enlightened cleric by remarking that the important Nobel Prizes were awarded in the sciences. In a mass rebuke to the government, tens of thousands of Iranians—men and women alike—turned out at the Tehran airport to greet Ebadi on her return from Paris, where she had been when the call came from the Nobel committee.

In fighting for their own rights, women in the Middle East are broadening the democratic space in society as a whole. Ebadi herself dramatically emphasized this point simply by appearing without a scarf at a Paris



Homeward-bound after receiving news of her Nobel Peace Prize in Paris, Iranian activist Shirin Ebadi, shown with her daughter, dramatized a key practical and symbolic issue by refusing to wear a head covering.

press conference. By defying a sacred rule of the Islamic Republic, she drew attention to an issue that is of great concern to women throughout the Middle East and is also a key symbol in the larger struggle for democratic rights. What could be a simpler and more fundamental individual right than to dress as one pleases?

Courageous women such as Shirin Ebadi have made women prime movers in the struggle for a more liberal democratic order, and the status of women is now a key barometer of progress. In Jordan, women launched a campaign against so-called “honor killings,” in which men kill female relatives who bring “dishonor” on the family. In Kuwait, women who participated in the resistance to the Iraqi occupation of 1990–91 started a campaign for women’s suffrage after the Iraqis were driven out. In Iran, women successfully campaigned against the stoning and flogging of their sisters. In Saudi Arabia, a brave group publicly challenged the authorities in 1990 by the simple but bold step of driving their own cars. And Iraqi women have successfully pressured the Governing Council to rescind regulations that required family law to be based on religious law. In each of these instances, women have helped expand political space and the concept of democratic rights by example and, often, achievement.

All of these conflicts concern at a fundamental level the role and interpretation of Islam. The Middle East's national constitutions are based on Islamic law and recognize Islam as the official religion, and Islam, through the Koran and the traditions of the Prophet, also sets down rules for everyday human behavior. Yet there's considerable diversity in the Islamic world. The Islam practiced in Indonesia is not the Islam practiced in Saudi Arabia or Bosnia or Nigeria. Women's roles and rights in each country are the product of its particular history, culture, and political character. Growing up in the tolerant environment of pre-revolutionary Iran, for example, I always found the highly conservative, orthodox form of Islam practiced in some Arab countries puzzling. But after the Islamists came to power in Iran in 1979 and began to regulate women's lives—public and private—I learned to understand the difficulties women in those countries face.

Today, in some less conservative states, such as Jordan, Syria, and Egypt, women's rights are open to liberal interpretation. But in Saudi Arabia, where a fundamentalist form of Islam reigns, the status of women is based on a strict interpretation of the Koran and the

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sharia (Islamic law), and is not negotiable. Women are required to wear an abaya, which covers them from head to toe. Wearing the abaya is also expected, though not mandatory, in the Persian Gulf States. (Saudi women are free to set the abaya aside when they are outside the country.) But in Egypt, Jordan, Syria, Tunisia, and a few other countries, the state no longer

regulates what women may wear. In Iran, until recently women were flogged for not observing the Islamic dress code, which requires either a black veil covering the whole body and leaving only the face and the hands (but not the wrists) exposed, or a long, loose robe, also in black, with a hood-style head cover. Yet on the streets of Tehran and other cities over the years, the length of the robe has grown shorter, the hood has been replaced by a scarf, and pastel colors have supplanted black. Increasingly, Iranian women now dare to sport short, tight-fitting robes and skimpy head covers.

Even as a degree of liberalization has occurred in some countries, there's been movement in the opposite direction in others. A recent trend in Egypt, Iraq, and even relatively cosmopolitan Lebanon, especially among Shiites, is for women to cover their hair, even when not required. It's

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unclear what's behind this change. Some observers see the trend as a political statement against the regime in power; others say it reflects a revival of religious feeling; still others believe women wear the scarf as protection from harassment by fundamentalists. It's not uncommon for many women to cover their hair on their way to work but remove their head cover once inside their office.

The key differences in the status of women in the region's countries can't be traced to differences between the Sunni and Shiite forms of Islam. Societal conditions—level of education, size of the middle class, degree of urbanization, national history—seem to matter more. Women are enfranchised in Sunni-dominated countries such as Egypt and Jordan and in Shiite Iran (one of two Shiite-majority countries, along with Iraq), but not in other Arab countries. Women may drive cars in Iran and Egypt, among other places, but not in Saudi Arabia.

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The main obstacle to the emancipation of women is family law, which is based on the Islamic sharia and regulates marriage, divorce, child custody, and a woman's right to work, to choose her place of domicile, and to leave her house, town, or country. In Saudi Arabia, a woman didn't even have the right to her own identity card until two years ago; she had to be registered on the card of her husband or father. In Iran, a married woman still needs notarized permission from her husband to travel. I know of women who were prevented from leaving the country even though they were members of government delegations going abroad on official business.

The Middle East's rulers have rarely taken the initiative in advancing women's rights. The shah of Iran enfranchised women in 1963 in the face of clerical opposition. Last year, King Mohammad VI of Morocco persuaded parliament to make major changes in Morocco's family law. The new law restricts a man's right to divorce on demand, and to more than one wife; it raises the legal age of marriage for girls to 18 and recognizes the equality of the spouses in a family. The king also suggested a quota of seats for women in parliament and local councils. In Iraq, the Governing Council has partially yielded to women's demands by calling for electoral laws that will give women 25 percent of seats in a future parliament. But in 1999, the parliament of Kuwait rejected a proposal by the emir, Sheik Jaber Al-Ahmed Al-Sabah, to grant women the right to vote and to sit as members of that legislative body.

Women themselves have been the main force for change, and the change they seek is fundamental, not merely incremental. The number of educated women is growing with extraordinary speed, and so is the demand for fuller participation in government and public affairs. When

no women were included in the committee responsible for drafting the interim laws that will serve as a basis for the new Iraqi constitution, Iraqi women publicly protested. And Afghan women presented President Hamid Karzai with a women's bill of rights for inclusion in the constitution. In Iran, protests against overt discrimination in the workplace and in universities have forced the government to alter its policies.

The spread of the Internet and satellite dishes will promote further change, though not with lightning speed. Globalization undermines isolation, giving women an awareness of the progress their counterparts are making elsewhere in the world and linking them in a common effort. In most Middle Eastern countries, women's organizations that have links to the Internet have established their own websites. While the percentage of Arab women with access to the Internet is in the low single digits, female-led nongovernmental organizations are working to change that. A worldwide network of supporters

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awaits women when they do get access. Today, when a woman is sentenced to death by stoning for adultery, whether in Iran or northern Nigeria, groups around the world mobilize to alert international and local organizations and to protest to heads of state. On a number of occasions, national governments

have been forced to overturn the sentences.

The wider world has provided another important goad to action, in the unexpected form of two sobering reports sponsored by respected international organizations. The United Nations–funded *Arab Human Development Report*, written mostly by Arab experts and thinkers and published in July 2002, came as a rude surprise to the people of the Middle East. It exposed the degree to which the region trails the rest of the world, even in comparison with other developing countries, when judged by basic economic, social, and political indicators. Despite its substantial oil revenues and other natural resources, the Middle East lags far behind in making progress on gender issues, human rights, and good governance. And for the first time a group of prominent Arab intellectuals and experts blamed the Arabs themselves, rather than colonialism and other external factors, for the failures of the Arab world.

The report examines the state of economic, social, civil, cultural, and political development in 22 countries with a combined population of some 300 million. (Nearly 40 percent of that population is under the age of 14, creating a demographic time bomb.) The authors identify three major areas of deficit in the Arab world: freedom, women's empowerment, and knowledge. The section on women begins with this sentence: "Arab



In a Riyadh supermarket, a Saudi woman peers from her abaya, required dress in the kingdom.

women have made considerable progress over the decades.” But the authors go on to say: “Sadly, the Arab World is largely depriving itself of the creativity and productivity of half its citizens.” On paper, boys and girls in all countries of the region have equal access to education, but the percentage of girls in school varies from country to country. In most countries, primary and secondary education is segregated, while classes in colleges and universities are mixed (except in Saudi Arabia). In Iran, Lebanon, Oman, and Qatar, the number of women entering the universities is actually greater than the number of men. In some countries, the number of women’s universities, with their more comfortable all-female surroundings, has been on the rise.

The second report, *Gender and Development in the Middle East and North Africa: Women in the Public Sphere*, was released last fall by the World

Bank. While noting progress, the report points out many shortcomings. Thus, “women’s average literacy rate rose from 16.6 percent in 1970 to 52.5 percent in 2000,” but that still leaves nearly half of all Arab women without the ability to read and write. Despite a 50 percent increase in women’s

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employment in the region since 1960, the report notes, the rate of female integration into the labor market “remains among the lowest in the world,” in part because of restrictive family law and a culture that sees men as families’ sole breadwinner.

The two reports show that the number of educated women is growing but that women do not play a commensurately greater role in society. Governments have been relatively bold in expanding educational opportunities for women but timid in addressing obstacles embedded in family law.

In the political sphere, women have made significant progress in the last two decades but still remain at a great disadvantage. The national constitutions of the Middle East generally guarantee equality under the law for both men and women, but rarely is this promise realized. Turkey granted women the right to vote in 1934; Iran, Tunisia, Egypt, Lebanon, Jordan, and a few other countries did so gradually over the ensuing decades, including Bahrain in 2001. Women still do not have the right to vote in four countries: Saudi Arabia and the United Arab Emirates (where neither sex is enfranchised), Qatar, and Kuwait.

The right to vote is no guarantee of representation—or of anything else, since elections in most countries can hardly be described as free and fair and many legislative bodies have little power. According to the *Arab Human Development Report*, women claim only 3.5 percent of the seats in Arab parliaments. Lebanese women, for example, were enfranchised in 1952, but the first woman was elected to parliament only in 1992. In Iran, just before the 1979 revolution, 20 women sat in parliament; in the first round of elections this past February, only eight women won seats. Jordanian women were enfranchised in 1974, but no parliamentary elections were held until 1984, and it wasn’t until 1993 that a woman gained a seat. Six women sit in the new parliament elected last year.

More women are serving in cabinet positions, but the numbers remain so low that women in some countries are lobbying for a quota system that will give them a proportional share of parliamentary seats and cabinet positions. Women now hold cabinet positions in Syria, Egypt, Bahrain, Jordan, Oman, and Qatar. But a handful of token appointments will no longer suffice. And

women no longer think their cause is significantly advanced when they are appointed to cabinet posts that have acquired a gender-specific identity, such as health and education. Women leaders argue that cabinet positions, indeed, all leadership and managerial positions, must be filled on the basis of merit rather than gender. The region, they say, needs a large number of female ambassadors, undersecretaries, directors-general, governors, mayors, city and local councilors, judges, lawyers, and diplomats. But if it takes quotas to achieve this goal, activists increasingly argue, then let quotas be put in place. In Iraq, for example, women pressed for a constitutional guarantee reserving them 40 percent of all political appointments and seats in parliament. They had to settle for a *goal* of 25 percent of parliamentary seats.

No matter what is accomplished at the level of higher politics, equal legal status for women is virtually unachievable so long as family law remains based on the sharia, and rules derived from a particular interpretation of Islam prevail in the social sphere. Under this system, women need the permission of a male member of the family to seek education and employment. They have no right to a divorce, and they lose custody of their children when their husbands divorce them. Girls as young as nine can be married at the whim of their fathers and divorced at the whim of their husbands. In many places, women can still be killed for bringing “shame” on the family, stoned for adultery, and flogged for showing a bit of hair. If women are to be empowered, family law must be modified. Yet only a few women sit on high courts in the Middle East—though in some countries, such as Syria, their numbers are increasing in lower courts—and few countries have family courts to adjudicate family disputes.

The specious guarantees of equality before the law for all citizens that mark so many constitutions can no longer be accepted as polite fictions. Middle Eastern governments must be persuaded to adhere to the letter of their constitutions. The full integration of women into society will be impossible so long as women are seen as second-class citizens, under the tutelage of the male members of the family. A growing community of educated women will demand access to employment; and economic independence, be it in cities, towns, or villages, will inevitably create demands for a voice in writing the laws that influence women’s lives. To change the laws women must be present in political offices and law-making bodies, and this must be achieved through wider political participation and, if necessary, quota systems.

In a number of countries, men are learning to respect and work with women. Only through such partnership will women’s empowerment be accelerated. Female Middle Easterners are increasingly active, and increasingly supported by an international network of members of their own sex that can monitor the progress women are making and the stumbling blocks governments place in their path. It’s frustrating for many women that their cause may take one or two steps forward only to take one step back. But the struggle for women’s rights can no longer be stopped. Women in the region know this—and so do their governments. □