

Traveling Apart: Women's Empowerment and Public Policy in Iraq. ¹

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Introduction

According to the US State Department, America officially “supports women’s empowerment in Iraq”.³ Not surprisingly, it is somewhat difficult to clearly discern and describe US policy on this issue, and precisely what “empowerment,” or progress toward it, entails. Other than brief information on the official Web site of the Department of State, various official and unofficial position papers, and statements commenting on Iraqi women, their status, and the relationship of that status to democratization in Iraq, Iraqi women surface occasionally in President Bush’s speeches, particularly as they concern America’s historical role in “liberation.” At the 2005 State of the Union address, an Iraqi woman, Safia Taleb al-Suhayl, whose father was murdered under Saddam Hussein’s regime, embraced the mother of late Marine Corps Sergeant Byron Norwood, killed at Fallujah. President Bush later spoke of this incident, Safia’s pride in the new Iraq, and his own, also mentioning Iraqi women’s presence in the Iraqi Transitional Assembly.⁴ Women’s freedom, then, is thus incorporated into the transformational efforts of the administration in

Iraq, and in turn in creating a new regional order, one more conducive to long-range American interests.

The effects of the “empowerment campaign” may be interpreted from various vantage points, including those of 1) American policymakers and politicians, 2) Iraqi women, and 3) Arab women engaged in regional transformative efforts, activism, or NGOs. The reason that this essay does not focus solely on the views of Americans, and also refers to Iraqi and Arab women, is because the latter, like other subjects of public policy, are not its driving force, but are rather, objects of policy. It is for this reason that we see paternalistic approaches to women in which the contradictions between the policy-makers’ various foreign policy goals stand out in sharp relief. Concurrently, disconnects between these goals and the needs of the population become apparent.

Enhancement of Iraqi women’s political roles was one of the measures taken to empower them. For this reason and many others, official and unofficial Iraqi critics, activists, and spokespersons comment on the question of Iraqi women’s political participation. The third group, Arab women, including social activists, political commentators, and NGO participants is important to consider because they have the lengthiest experience with social transformation efforts in the region. In some cases, they are the most outspokenly critical of efforts to improve Iraqi women’s condition and the most insightful about the difficulties women’s acquisition of political influence.

Does the United States have a policy on Iraqi women? Can one country create and administer policy on socially transformative issues in another country? If so, then how does US policy on Iraqi women fit in with its other policies on women in the Middle East, such as those in Afghanistan, Saudi Arabia, or Egypt? What, if any, is the relationship between these policies and US policies on women generally, including American women?

There were many obstacles to Iraqi women's empowerment prior to March 2003. Iraqi women had already suffered in various ways from the Iran-Iraq war (1980-1988) and the 1991 Gulf War, and the years of the economic boycott that followed.⁵ Resources were reduced, unemployment increased, families sold off goods and counted themselves lucky when they could provide a full meal at least once a day.⁶ Youngsters were increasingly anxious about finishing their education, and many left school to work or beg on the street.⁷ Young women were being married off to older men who could afford the requirements of marriage, sometimes to settle family debts. At the same time, it was more difficult for young couples to marry. Nadjé Al-Ali emphasizes that "without [a] doubt, Iraqi women lost some of the achievements gained in previous decades,"⁸ since their access to education and its benefits was so reduced, and coincided with the disintegration of that educational system and the economy overall.

As of 2006, Iraqi women face many new obstacles. Al-Ali hypothesizes that women "might be the biggest losers"⁹ of regime change,

and more practical observers have asked the US administration whether Iraq now presents a “perilous” situation for women.¹⁰ Under the administration of Presidential Envoy L. Paul Bremer, work on women’s status appeared to be squarely under the aegis of the US-managed government. The Office of Women’s Affairs was established in this period, and its staff met weekly with those of various government agencies, as well as Iraqi women’s groups. The US State Department allocated \$10 million in reconstruction funds for women to the Iraqi Women’s Democracy Initiative.¹¹ Yet violence against women, for instance, was not addressed, and instead, the absence of an Iraqi authority and the insurgency’s / resistance’s attacks on infrastructure were given as reasons for an inability to respond in full. In 2006, the transition to an Iraqi government modulated the response to questions about women. In official daily discourse, both in Baghdad and Washington, we are beginning to hear that women are essentially Iraq’s business, and not America’s. Simultaneously, the importance of women’s “rights” is being re-asserted. Language in a recent White House press briefing is indicative of these trends:

Q: In Iraq right now, there are reports of fatwas being issued banning women from driving, or being seen out alone; you’ve got women being stoned for wearing makeup, and professional women being murdered. And in his speech this morning [a reference to Prime Minister al-Maliki’s July visit to the United States], al-Maliki praised the high status of women in Iraq. Would you acknowledge that, in fact, the status of women in Iraq is perilous right now?

Mr. Snow: I don't know that it would be perilous, because that would assume that the things that you talk about are, in fact, universal. But I will go back to what the Prime Minister did say, because he acknowledges that he says that it's important to acknowledge [that] the rights chartered in the constitution will also help consolidate the role of women in public life and help them play a greater role in public life. It is clear that he thinks that there still is the importance of having a greater role. But I'm not going to try to do a full human rights analysis. It is clear that Prime Minister Maliki is devoted to the cause of the rights of women. And I would redirect to Iraqi officials specific questions about *fatwas*. A., I don't know anything about them, and B., I think it's their job to respond.

Q: The stance of many human rights groups is that what's happening with women now is, in fact, worse than what was happening under the regime of Saddam Hussein.

Mr. Snow: Again, I redirect to them. I have a feeling...the Prime Minister also made the point that Iraq has moved to a point of elections, and not mass graves. We can argue this both ways, I suppose, but I think a situation where people are being dumped into mass graves by a regime that used murder as simply a way of clearing up what it saw as political difficulties is far different than one that tries to deal with its political difficulties by appealing to the needs and desires of the people.

Q: Even if you can't control the people?

Mr. Snow: I don't think the purpose of a government is to control the people.

Iraqi and Arab women's immediate concerns about women's status in Iraq stem from the grave security situation. Both they and US observers have worried about the increasing power of Islamist political parties and

militias, and about the effects of other armed individuals assassinating, or enforcing *fatwas* on women in vigilante fashion. It is possible, however, for policymakers to use both concerns as an excuse for lack of progress on women's issues. However, the US administration, for better and for worse, has the power to influence the situation to a greater degree than is now being acknowledged.

Women all over the world protested when the Iraqi Governing Council's Resolution 137 was being advanced. The resolution would have revoked the civil law administering personal status (matters of family law) in Iraq, and instead, referred them to Islamic law, or *shari`a*. The background to a drama over Resolution 137 lay in the broad modernization of personal status law in Iraq that took place in the 1950s and 1960s, and was first manifested in 1959 in Personal Status Law no. 188.¹² This period of reform preceded a regional Islamic awakening that influenced advocates and judges throughout the region. Clerics and religious parties in Iraq have therefore wanted to annul Iraq's personal status law for decades, and it was at the top of their agenda after the fall of Saddam Hussein. There are several reasons for this:

1. Clerics [*ulama*] have struggled against the state's assumption of their traditional jurisdiction over personal status law, *awqaf* [endowments], and *khums*, a tithing on property all over the Muslim world, both because their status and incomes were at stake,

and because they feared that Islamic morals would lapse without a binding legal code.

2. In Iraq, the Civil Personal Status Law finessed the differences between Sunni and Shi'i personal status codes and applied to all Iraqis, thereby infuriating some clerics, particularly Sunnis.
3. Islamist movements have, in many countries, claimed that a return to "family values" is necessary, and that women's rising status as in Western societies is antithetical to these values. As the Islamic opposition movement grew in Iraq, it came to include such ideas about women and their domestic and reproductive duties. Such ideas similarly intervened, the previous Supreme Faqih, Ruhullah Khomeini and his followers—in the Islamic system formulated in Iran.

Under the Iraqi Governing Council's chair at the time, Abdul Aziz al-Hakim of the Supreme Council for the Islamic Revolution in Iraq, the Council voted on December 29, 2003 to pass Resolution 137 to institute *shari`a* personal status provisions, and which would have replaced Iraq's 1959 Family Law.¹³ Various sources report that 80 or 100 Iraqi women demonstrated against the resolution at al-Firdaws Square in Baghdad, and that thousands of women held demonstrations in Sulamaniyya.¹⁴ International faxes and mails poured into Washington and Baghdad. Under political pressure, L. Paul Bremer, then the highest governing US official, vetoed the resolution. The same debate about women's allegiance to the

laws of their own religious sects, or a uniform national law has emerged again in the struggle over Iraq's Constitution, and will no doubt continue in the delineation of all legal codes.

The new Constitution ambiguously resurrects the same principles contained in Resolution 137, and since the degree of federalism in Iraq is as yet uncertain, certain regions may be able to enact their own legal strictures affecting women and gender relations. The first debate concerned whether Islam (and thus *shari`a*) was to be *the* source of law, or *a* source of law. Whereas many Shi`a leaders, including Ayatullah `Ali al-Sistani, insisted on language privileging Islam and *shari`a*, Kurdish leader and current President of Iraq, Jalal Talabani proclaimed, "We will never accept any religious government in Iraq. Never." However, the majority of Iraqis supported the insertion of *shari`a* principles into the Constitution, and the idea of Iraq as an Islamic state.¹⁵ Article 2 (1) states: "Islam is the official religion of the state and a basic source of legislation." Art. 2 (1) [a] adds: "No law may be passed that contradicts the immutable rulings of Islam. The Supreme Federal Court will be the determining body of such a conflict". The significance of this decision for women is that Iraq's civil laws could be overturned, and stricter versions of personal status, criminal, and other laws would operate in their place, most probably upheld in religious courts.

Arab and Muslim women outside Iraq actively commented on this particular outcome, as women and their male allies around the Muslim

world had been working for decades to reform certain aspects of family and criminal law. Typically, the liberalized versions of family law have met strong opposition on the part of organized Islamist groups. Too, a contingent of observers (American, Arab, Muslim, and Iraqi, as well as Israeli) saw this Constitutional language as proof that Iraq is now an Islamic theocracy, and could be swayed even further in this direction by pro-Iranian elements.¹⁶

On the other hand, the ambiguities in the Iraqi constitutional draft suggest other possible outcomes. Articles 113 – 122 discuss regional government, indicating that laws determined by specific regions can override federal law. However, Article 39 states: “Iraqis are free in their adherence to their personal status according to their own religion, sect, belief, and choice, and that will be organized by law.” On the one hand, this could be interpreted to mean that Iraqis are free to choose the applicable family law code according to their religion, **or choice**, thus giving them the opportunity not to be identified with their sect of birth. On the other hand, it might simply bind them to a religious family code as determined by the state. Article 14 provides equality before the law without discrimination based on gender, ethnicity, nationality, origin, color, religion, sect, belief, opinion, or social or economic status. Article 16 guarantees equal opportunity to all Iraqis, placing the onus on the state to implement it.

Constitutions in other majority Muslim states often assert the equality of their citizens, for instance, those of Lebanon, Egypt, Jordan, Tunisia, and Morocco. Some also specify that citizens must not be discriminated against, for example in the constitutions of Turkey, Mauritania, Pakistan, Algeria, Sudan, and Iraq's prior interim Constitution. Quite a few, then, articulate the government's responsibility to coordinate between women's "familial duties" and their role in society.¹⁷ The Ba`th Party Constitution similarly states in Article 38 (1) "The family is the basic cell of the nation, and the state is responsible for protecting it, developing it, and ensuring for it the condition of happiness;" and (3) "Marriage is a national duty and the state must encourage, facilitate, and supervise it." Even in asserting equality, or promising protection against discrimination, constitutions can be without teeth if there is no mechanism for appeal to the constitutional level.

In Iraq, one may also be concerned about existing or emerging contradictions between Constitutional principles and the possible discriminatory aspects of the penal,¹⁸ family, and commercial codes, as well as social welfare laws. For instance, if the penal codes were to follow in post-revolutionary Iran's footsteps, *dhiyya*, ["blood payment"] could be accepted in cases of homicide, the alternative being a death sentence (the families of murdered women are entitled to half the *dhiyya* allotted to a man).¹⁹ In Syria, Egypt, Jordan, and Iraq under Saddam Hussein, the civil penal codes displaced this *shari` qisas* [punishment].

The US invested in the creation of a new Constitution for Iraq. The US government maintained that it was both symbolically and politically important to achieve agreement on a draft document despite some serious differences amongst Iraqis, because the Constitution, like elections and the trial of Saddam Hussein, were events that could enhance national unity. Many legal experts, such as Noah Feldman, were involved in the Constitution's creation. It is not, however, clear whether it will be a weak Constitution as in other neighboring states, outweighed by local custom or other laws, or a document that can strongly defend the principles of freedom and equality expressed therein; only time will tell.

For now, though, the first area of concern regarding women's empowerment stems from the fact that communitarian allegiances now trump gender. The newly reconstructed Iraqi political system is a communitarian, or confessional, representative model.²⁰ Many experts criticize the insertion of confessionalism and sectarianism into the Iraq system. Imad Harb concludes, "Confessionalism, as it has been applied in Lebanon and as it is being advocated for in Iraq, is the wrong formula for sustainable and peaceful democratic development."²¹ Confessionalism gone awry is essentially sectarianism, which is being expressed in Shi'i-Sunni violence and fears about the imminence of Iranian influence in Iraq.²²

In the sectarian system, women are merely a sub-category of other constituencies; they are female Kurds, Sunnis, Shi'a or Assyrians.

Sectarian interests rather than gender issues take precedence. If a woman's personal or gender-defined interests collide with those of her community, unfortunately, her needs or goals must defer to those of the most dominant bloc representing any particular community, or to a stance adopted by her own religious or ethnic community. This is, of course, not a novel phenomenon in the Middle East. In Israel, "women's rights" under the laws of the state mean "Jewish women's rights". Arab, Christian, and Muslim women also have rights, but since family law, or personal status law, is formulated on the basis of religion, these rights are constrained in various ways. Civil law would then presumably ameliorate the differences in rights between the various ethnic and religious groups in Iraq. It should be noted that socio-economic status is another important variable in Iraq, and the elites of each group have far more in common with each other than they do with either the urban or rural poor of their sect.

What is also not unique to Iraq is a situation in which men and women of the same confessional or ethnic group possess differing legal rights, or are treated differently by the state. Muslim men in nearly all Muslim countries except Turkey and Tunisia have the right to marry more up to four women. Muslim women may marry only one man, and their grounds for divorce and ability to obtain custody or alimony are severely limited. Men, not women, pass on nationality to their children (with the exception of Palestinian women, who recently achieved a reform in this area).²³ On the other hand (with the exception of Israel) only men are

required to serve in the militaries of the region. Algerian women participated in their War of Independence, but then saw their rights unfulfilled under the post-independence FLN-dominated government. They were not granted veteran status, and were constrained by aspects of the Algerian family code.²⁴ Similarly, Palestinian women were poorly represented in the leadership of the PLO, and struggled with the Palestinian Authority to advance women's issues. And despite Palestinian women's lengthy and vigorous commitment to empowerment of their community,²⁵ they've experienced new obstacles and direct attacks on their efforts to secularize and reform the law in the post-Oslo period due to concessions made to Islamists, and lack of PNA commitment to feminists' own efforts.²⁶

In other Middle Eastern nations, significant steps have been taken to politically or legally empower women through official or state feminism, that is, by rulers and government leaders—which reforms seemingly could not be achieved through the gradual process of democratization. An example is Moroccan King Muhammad VI's decision to create a quota for women in the country's Parliament. This particular effort preceded, although the government experienced Islamist resistance to the King's plan for wider-scale reforms to eliminate the negative treatment of women throughout society,²⁷ in fact, Islamist parties called the reforms a “Zionist and Western plot against a Muslim nation.”²⁸

Twentieth century modernizing rulers, like Kemal Atatürk of Turkey, Habib Bourguiba of Tunisia, or Shah Mohammad Reza of Iran, promoted state-led reforms of women's rights. Even where changes were not as dramatic or controversial as those implemented by these particular leaders, the state has played a very strong role in enlarging women's opportunities, if not the popular definition of gender roles. Given this recent history alongside American desires for Iraqi women to obtain greater freedoms, why does the empowerment of Iraqi women appear to be more of a chimera than a reality? And why would Iraqis oppose measures or policies that would grant more equity to women? What is the significance of the differences in opinion among the three groups, Americans with interests in Iraq, Iraqi women, and other Arab and Muslim women, all of whom have substantial experience working on women's issues?

The "woman's issue" is familiar terrain to Iraqis. The US is not introducing a new debate, but is in a way, reviving past debates and dissensions. In 1916, the poet Jamal al-Zahawi issued a controversial call to expand women's rights.²⁹ The first women's movement in Iraq, led by al-Zahawi's sister, Asma', and called the *Nahda al-Nisa'*, or Women's Awakening, began as a club in 1923. Its members included elite Baghdadi women including Na'ima al-Said, wife of political powerhouse Nuri al-Said Pasha, who served as Prime Minister multiple times, and Fakhriyya al-`Askari, wife of another Prime Minister.³⁰ *Nahda al-Nisa'*

was nationalist, elitist, and mainly focused on charitable activities. King Faysal favored women's suffrage when in Syria, and some of his supporters who came to Iraq—such as Mary Wazir³¹ and Paulina Hasun,³² editor of the first Iraqi women's periodical—were active on women's behalf. This small, elite women's movement is frequently referred to in the Ba`th Party's rhetoric on women's rights, along with citations of numbers of educated women in the pre-1990 era, as evidence of Iraq's "progressive treatment" of women, or as "proof" that women had much to lose in post-Saddam Iraq. Actually, with one exception, in the Iraqi Communist Party (ICP), women were mainly excluded from political leadership until 1958. The ICP's League for the Defense of Women's Rights worked hard to establish literacy centers, economic projects for women, and established a large membership base of a reported 43,000. Yet thereafter, other organizations, at odds with the Communist Party, established rival women's groups, first Kurdish, then Ba`thist.³³

The basic position of the Ba`th Party on women's status was that negative aspects of it emanated from Arab "traditionalism" that would be reformed through the Party's philosophy (the essential position of the Ba`th in Syria as well) and by mobilizing women through its youth, workers, and women's activities. Indeed, under Ba`th rule, many Iraqi women did enter professions and worked in the public sector. The government, for its part, had both ideological and economic reasons to

alter public attitudes against women's rights and women's work because of its need for labor. When war began with Iran in 1980, that need increased. Nadia Hijab noted that Arab governments that had verbally committed to women's development were actually affected by manpower shortages. Yemen and Iraq, for instance, planned and implemented the integration of women into new employment. In contrast, Tunisia, which legislated in a progressive direction for women and ideologically supported their progress, nevertheless faced difficulties because of a shortage of labor opportunities.³⁴

Hijab described governmental efforts to hire women in a pharmaceutical plant north of Baghdad. Because families in the plant's immediate vicinity would not allow women to work in the plant, women from Baghdad were bused in, and sometimes the buses were attacked. The resentment and attacks ceased gradually, and local women eventually worked in the plant.³⁵ Without membership in the Ba`th Party, however, progress was limited and their fates uncertain if they actually opposed the government or were related to any group deemed opposition.

Scholars have written about a retrenchment on women and gender in the 1980s. While it was not as definitive as that, the militarism and financial strain of the Iran-Iraq war did produce tensions in and against women.³⁶ The region-wide Islamist movements began to influence Iraq. In contrast, in the 1990s, when Iraqi Kurds attained a degree of political autonomy, they began to address honor killings through legal reforms and

shelters.³⁷ According to some experts, Iraqi law had not moved into this reforming direction for fear of alienating Saddam Hussein's tribal allies.³⁸

Reasons for opposition to the empowerment of women range from lack of awareness of the issues at stake and deliberate misinformation provided by Islamist or other parties to the aforementioned fact that political advantage— previously obtained through the Ba`th Party and personal connections [*wasta*]³⁹—has been replaced with a sectarian model of politics. This model still relies on personal connections, but they are new ones, dependent on the emerging power constellations. And despite official assertions that a democracy cannot exist where 51% of the population's rights are ignored, Iraqi women's problems are definitely deemed secondary; they are subsidiary to the needs of stabilization and state-building, rather than being an integral expression of them.

Illustrating just how “important” or unimportant women's issues are to the new Iraqi government, the budget of the Ministry of Women's Affairs is now \$2,000 a month, representing an increase of its 2005 budget of half that sum. Other ministries operate with far more robust means, typically in the millions. The shortfall means that the Women's Affairs Ministry applies for grant funding, which it has received from UNIFEM. Saweba Nasraddin, the Ministry's Director-General, explained that women's affairs are not a priority for the government.³⁹ Other complaints have to do with governmental red tape that impedes broader approaches to attacks on women's physical security, including kidnapping for sex

trafficking and physical attacks on or intimidation of women not wearing hijab. When all this becomes the “business of Iraqi officials”,⁴⁰ we see a situation where Americans are essentially using cultural relativism or excuses of Iraqi inefficiency to explain the lack of progress on women’s behalf.

It is as if the US government planners are cognizant of women and “women’s issues” as a component of social and political development, and democratization, yet they do not fully recognize women’s or gender issues as constituting a vital element of “security” or the “security environment.” Women are extras on the set, not lead actors; the focus of occasional, specialized articles, not daily news. This is so despite a good deal of discussion about how “fish (insurgents) swim in friendly waters” and growing concerns about women suicide-bombers. or insurgents. Take, for instance, the cases of the two women who killed 36 students and officers and wounded 72 at Baghdad’s police academy on December 6, 2005,⁴¹ or Sajida Mubarak al-Rishawi, an Iraqi would-be suicide bomber, whose accomplices and husband bombed two hotels and set off a car bomb in Amman on November 9, 2005.⁴² It is telling that in coverage of al-Rishawi, the media tended to portray her as being a tool of her husband. A subsequent report explained her motivation as revenge for her brothers.⁴³ She is, not however, an anomaly. Women were subsequently arrested in a terror plot in Saudi Arabia. Just prior to the attack in Jordan, two Egyptian women were involved in a shootout with Egyptian security services in

Cairo, and the attack on the police academy has been followed by other incidents involving women.

While family connections are probably a significant factor in explaining women's allegiances, there is also a lengthy history of Muslim women's participation in jihad.⁴⁴ Thus today's bombers and opponents of the West and the new government in Iraq might not be amenable to the buy-off strategy thus far envisioned in efforts to reach out to Iraqi women and ensure the success of stabilization efforts.

Another young woman, now 18, told a reporter that she was kidnapped from an orphanage, sent to brothels in Samarra and Mosul, and then sent back to Baghdad with a suicide belt and instructions to bomb the office of a Khadamiya cleric. She turned herself into the police and is in prison.⁴⁵ She is thus simultaneously a victim of the security breach and a pawn in the continuing violence.

Various problems arise when governments (American or Iraqi) define issues that affect women without seeking women's input or crafting policies responsive to that input. Feminist policy studies have identified these problems as gender-blind strategies (policies that would benefit men are assumed to equally benefit women), universalist or regionally based approaches (measures that have benefited women elsewhere either outside or inside the region are applied without special attention to the Iraqi situation). It has been difficult to survey and interpret women's input over the violence from 2004 to the time of writing. Earlier studies, conducted

before the apex of the insurgency, showed that women were prioritizing basic needs like water, electricity, and security ahead of educational or political rights. In addition, income is especially important to women without their traditional male breadwinners. All of the items that women prioritized are essential to physical survival. Actually the study suggests⁴⁶ that once these needs are met, women would strongly support the lesser-prioritized issues. That may be true, or it may illustrate the way that a discourse about empowerment is shaped by government-funded research, employing all three key groups: Iraqi women, Arab women, and US representatives.

A prevailing ambiguity in US approaches to Iraqi or other Middle Eastern women should come as no great surprise. Americans, both at home and abroad, frequently assert or assume that “their” women are more liberated than other women. European lay and missionaries in the Middle East made such assertions in the 19th century even though European women had not in fact attained rights they possess today. It is worth remembering that women’s rights were an afterthought to American democracy; women achieved suffrage only after a difficult 72-year struggle (from the Seneca Falls convention in 1848 to 1920). Women gained additional educational and employment rights and more opportunities in the private sector since the 1960s as a result of the American women’s movement, which focused efforts on women’s education and health; developing theories of gender and power relations,

community action strategies, and political representation. Few of women's subsequent achievements would have been realized had it not been for concomitant legal reforms that inspired affirmative action policies, making it possible for women to sue for discrimination under Title IX. In short, public policy was highly effective in empowering American women.

Beyond the fact that Americans might prefer to see themselves or "their" women as more liberated, thereby underscoring the democratic nature of their society, the fact remains that international political research, including security and military studies, gives very little attention to women and gender. Women's historic exclusion and limitations within Western militaries are now at an intermediary stage. There is no space in this essay to elaborate on this issue, but one irony is that due to concerns about media reports of American insensitivity to Iraqi gender arrangements, the US military has loosened its own combat rules for women. In one example, Marine Corps rules that prohibited women from participating in "direct ground combat operations" did not prevent a woman leading a support mission from traveling alongside combat divisions.⁴⁷ The US military also sent women members of search teams into Iraqi homes, where their presence is intended to reassure Iraqi women that the US military will not damage their "honor."⁴⁸ This was a policy response to the strident critiques of US treatment of Iraqi women emerging from the violations of detainee's rights Abu Ghraib prison and which continued on in stories of detainees in secret prisons or facilities. What has come of these encounters between

American and Iraqi women are also very revealing. The American women participating in these efforts are somewhat unique to begin with as a minority within the military. Without the language skills to communicate with Iraqi women, their impressions of Iraqi society are somewhat confused and blurred by the immediacy and danger of home entries. As with American women who deployed with the military in Saudi Arabia during Desert Storm, by and large, many see Iraqi society as oppressive of women.

A US Policy and Orientation to Women in Iraq

The State Department quotes President George Bush in his remarks on US global promotion of women's rights:

“Human rights are defined by a constitution; they're defended by an impartial rule of law, they're secured in a pluralistic society” in which the “advance of women's rights and the advance of liberty are ultimately inseparable”.⁴⁹

This same Fact Sheet lists political achievements for women in Iraq (numbers of Ministerial posts and TNA seats) along with other US-led efforts for Middle Eastern women, including funding for specific “training” programs. Typical examples of these are the United States Institute for Peace's Professional Training Program on July 14th, 2004; a one-day training on conflict resolution sponsored by the Women's Alliance for a Free and Democratic Iraq and the Iraqi Women's Caucus; or the American Bar Association's early 2004 judicial “training” in Amman,

which included Iraqi attendees, sessions on micro-lending, and other public efforts. Iraqi-focused NGO literature relates success stories of Iraqi women along with “challenges” they continue to face, outlining the positive outcomes first.⁵⁰

Both in President Bush’s brief remarks and in the summary provided by the NGO Women for Women International, as well as earlier and subsequent State Department postings concerning the Middle East Partnership Initiative, under the direction of Principal Deputy Assistant Secretary Elizabeth Cheney (created in 2002) and the Greater Middle East Initiative (formally established at the G-8 summit at Sea Island, Georgia in 2004) a vision of change for Middle Eastern women along a certain trajectory is being promoted. At one end of the spectrum is the West; Iraq and Afghanistan lie somewhere in the middle; and countries like the reluctant Kingdom of Saudi Arabia are at the negative end of the spectrum. The linkage of women’s rights to democracy’s emergence is sometimes provided by offering a contrast as Liz Cheney did in June of 2005:

Our enemies are offering a vision of the world in which women are no better than slaves or chattel; in which fathers and brothers can murder their female relatives for violating the family honor; in which little girls can’t go to school, and can be forced to marry at 9 or 10 or 11. The women of the Broader Middle East will not stand for this and are fighting to turn their nations’ faces toward the future. America is proud and honored to stand with them.⁵¹

In addition to the wartime lack of security and employment for women, Iraqi women face many of the same obstacles as other Muslim

women on that spectrum. While the US State Department initiatives have primarily focused on economic aid to women or projects are led by NGOs. Neither of the two large initiatives mentioned is Iraq-specific, or solely aimed at women's issues, and GMEI has received more attention concerning its support of Arab "liberals" or "democrats." In Iraq, there appears to be little coordination between economic projects for women, and the aims for enhanced political and legal rights. Iraqi and Arab feminists have placed much emphasis on legal reform because through the law, the state asserts control over family and society. For that reason, Iraqi women previously felt that like other legal reforms, the earlier personal status reforms did not go far enough. Now they are concerned they will face further setbacks in this area that may neutralize any economic gains or those in the public sphere. It is worth reviewing some of the background of the various legal issues involved.

PERSONAL STATUS.

Debates concerning the laws of personal status emerged in the 19th century, when the practice of female seclusion, veiling of the face and covering of the body under the *abaya*, and lack of education for women were questioned. The Ottoman Empire issued two imperial edicts allowing women to sue for divorce on limited grounds in 1915, and codified family law in the Ottoman Law of Family Rights two years later. Women could then obtain a divorce under certain conditions: if they were deserted,

mistreated, denied financial maintenance, or their husbands were imprisoned or had a serious contagious disease.⁵² Apparently, family law judges in Iraq in the 1950s and 1960s tried to use the law to promote modernization of society. Those contributing to the legal code, and adjudicating at that time, were considered fairly progressive.

- **Polygamy.** Under the previous Iraqi law, men had to obtain judicial permission for an additional marriage, which judges were supposed to grant only if they believed that the petitioning man could treat his wives “equally” as specified in the Qur’an.⁵³ There was no enforcement of this law in the sense that bigamy is punished in the US. If family law courts are established according to Hanafi or Ja`fari codes, then under the new legal system, men could marry multiple wives at will, perhaps without even informing their first wife. It is argued that polygamous households represent only 2% to 11.5 % of all households in the Middle East, yet there is evidence that polygamy has increased in Lebanon, Jordan, among the Palestinians, and is typically higher in the Gulf than in other regions. Women and children of polygamous marriages may suffer psychologically, or from neglect or lack of family resources.⁵⁴
- **Divorce.** Iraqi law reformed Hanafi law, in that it introduced the right of women to initiate a divorce on the basis of discord, injury, non-payment of maintenance, or other reasons.⁵⁵ The reforms addressed other schools of *shari`ah* as well, in restricting a man’s ability to easily divorce his wife, when angry or intoxicated for instance. While the wife

had to designate a man to act on her behalf in presenting her case to the court, it was nevertheless an improvement. Adultery could be grounds for divorce, no matter where it was committed (many codes say that the man's adultery must be committed in the family home for it to constitute grounds)⁵⁶ In Iraq, the law was notable for requiring maintenance to be paid to the divorcee, even if she was considered *nashiza* [wayward], and with Resolution No. 77 of 1983, she could remain in the family home for three years if she had not initiated the divorce, was not *nashiza*, and had no home of her own. The earlier law was imperfect, since men could divorce at will, without cause, or could resume the marriage (if the *talaq*, or repudiation, had not reached its final, irrevocable stage) without the wife's consent, and because many women did not know that they could add stipulations into their marriage contracts.

- **Custody.** Under Hanafi law, a father obtained custody of his son at age seven, and a daughter at age nine. The Ja'afari madhhab (a Shi'i legal school) allowed fathers custody of sons at age two and daughters at age seven. If a divorced mother remarried, the children went to the father, as they did if she was determined unfit, or did not care for them. The previous Personal Status Code was amended in 1978 so that the mother retained custody of both boys and girls until the age of 10 years, extendable to 15 years. At 15 years of age, the child could choose with which parent s/he wished to live⁵⁷ In 1987, another change addressed the custody claims of mothers who remarried, not necessarily granting

the children to fathers, but the courts were to consider the children's best welfare⁵⁸ The main difficulty with laws that might move in the other direction toward interpretations of shari`ah has to do with the mother's loss of custody, and the father's propensity to remarry or to resort to his own family for childcare. Eleana Gordon, Senior Vice-President of the Foundation for the Defense of Democracies suggests that Iraqi women who have in the abstract supported shari`ah, are unaware of what it would mean vis-à-vis issues like custody⁵⁹

This is just one example of Western assertions about Iraqi ignorance, which may or may not be correct. Women's reasons for supporting the implementation of shari`a may not, in fact, rest on their expectation of enlightened interpretations; certainly more discussions between women on these issues would be useful.

- **Temporary Marriage.** *Mut`a*, or temporary marriage, is available to Shi`i men in Iraq. The historic practice has operated in centers of Islamic education both in Iran and Iraq, where clerical students reside for years, and to service pilgrims and other religious travelers.⁶⁰ Its growth parallels the increasing popularity of temporary, or less formal marriages for Sunni Muslims elsewhere with *`urfi* and *mizyar* forms of marriage. A woman has fewer rights within a *mut`a* marriage, for instance, she may not inherit from her husband, or claim maintenance. It is often a form of economic survival for divorcees and widows, and has

become very popular with men since the end of Saddam Hussein's rule, when it was punishable with fines or prison terms. Salama Al-Khafaji, an Islamist Shi'i political leader, supports *shari`a*, but called the re-emergence of *mut'a* an "unhealthy phenomenon" because it allows men to exploit women.⁶¹

- **Crimes of Honor and Kidnapping.** At issue in general is the continuing valuation placed on virginity and male control of female sexuality. This means that women are still strongly encouraged to marry instead of pursuing careers and advanced education. Others resort to hymen replacement or subterfuge to maintain their "honor". Crimes of honor occur when women attempt to escape from arranged marriages, or are caught in or suspected of extramarital affairs. Further, marital kidnapping is practiced in Iraq as in the Levant; this can be a way of eloping, or alternatively, it can involve coercion.

The Iraqi Personal Status Code was similar to those of Syria, Lebanon, and Jordan in that it allowed a man who committed murder due to "provocation" [of the victim], if she was one of his "female ascendants", to have his sentence reduced. Reform campaigns in Jordan, Lebanon, and Egypt have tackled similar sentence reduction loopholes there. Islamists in Jordan stridently opposed the reform. Honor crimes remain a problem in Iraq,⁶² particularly as no special resources have been assigned to them. The cultural resort of young girls is to avoid boys altogether, just as women have to be careful about where they are seen and with whom they interact.

In other social groups, women might not face death, but reduced marriage opportunities.⁶³

Criminal kidnappings became a huge problem in Iraq after 2003, all the more so because the honor of the victim is compromised. A legal issue arises because many family codes include the idea that a kidnapper who marries his victim (or a rapist) is absolved of his crime. It is not clear if Iraqi legislators might revisit this idea. In 2003, Human Rights Watch addressed the issue of kidnapping, rapes, and women who were staying home to avoid such violence.⁶⁴ It is not clear that the situation has improved.

- **Age of Marriage.** Increases in the legal age of marriage were thought to help address the problem of forced marriages and maternal mortality, as well as afford girls an opportunity to matriculate from secondary schooling. Iraqi law had set the age of marriage at 18, but according to a Supreme Court ruling in 1978, with a judge's consent, persons as young as 15 could be married.⁶⁵ Those who argue that women's status was higher under Saddam Hussein than now, and refer to the age of marriage at 18, are not always aware of the 1978 change. The idea was to defer to existing tribal practice (the argument being that families will marry girls off at 15 in any case, so the state might as well legalize prevailing practice). This change reflected Saddam Hussein's attitude, when he said in response to an earlier (1976) draft to reform family law, "When we deal with legal issues pertaining to

women, we should be sensitive to ... the experience of not only this country, but to the Arab nation as a whole ... We must ensure that our nation ... comprehends our steps.”⁶⁶

Whether higher marriage ages decreased instances of enforced marriage or not is quite difficult to determine. Arranged marriages are a norm in Arab societies, and endogamous marriages are preferred. It is not clear how prevalent cousin marriage is in Iraq; elsewhere in the region, urban centers like Beirut showed the lowest instances, while rural areas had the highest numbers. In Iraq, as in other Arab countries, an increasing number of couples at least partially arranged their own marriages. The challenge for modernizing governments like Iraq, or Syria was to come up with legal procedures of registration which would make it possible for couples to marry even without their families approval, and protect women’s rights in the event of divorce.

During the Iran-Iraq war, it is thought that the age of marriage fell as it did in the 1990s when families married off daughters to obtain bride prices. On the other hand, marriage became more difficult for those without means. In Iraq as in much of the Arab world, marriage is probably the single highest expense in a person’s life. Unlike American couples, who may start out in a simple apartment and acquire household goods and property only after their careers are underway, Iraqis provision for marriage at the outset, and the dowry, furniture, apartment, and household goods are expected to last the duration of the couples’ lives if they are of

modest means. Marriages aren't contracted until all of these expenses are negotiated, as well as the engagement and marriage celebration itself, the *mahr* (dower, or bride price), and jewelry for the bride.

- **Inheritance or Succession.** Iraq's previous law was greatly contested because it addressed the possible exclusion of daughters to less closely related male heirs (not brothers, but cousins or uncles) from their parents' estates as had taken place under (Sunni) Hanafi law. The 1959 law was amended in 1963, basically drawing on the Shi'i system of classifying heirs, and the Sunni system for distributing shares of an estate.⁶⁷ The 1978 amendment of the law strengthened Iraqi daughters' ability to inherit (if there were no sons).⁶⁸ What is at stake now are women's rights in this area, if regions choose to go with sect-based family law and courts, or if Iraq does not enact a civil law of inheritance / succession under "civil" personal status code. In particular, Sunni female heirs could see their shares legally claimed by male relatives if *shari'a* courts supervise such matters in areas like Anbar province.
- **Guardianship.** A Ba`thist-reformed law made it possible for only the father to serve as a woman's guardian, and only of a minor. However, the guardian could not stand in the way of a marriage. A reinstatement of the guardian's function could hold back women's independence, for instance, if it were required for divorces, or "o cttkci gu

OTHER PHYSICAL SECURITY ISSUES

- **Violent Attacks and Assassinations.** Women, including politicians, have been killed for political motives and because they are women who dare to take on leadership, or visibility in owning a business. Numerous physicians and professors have been attacked, kidnapped, and in fact the universities and colleges would not have been able to open this fall of 2006 as so many faculty are afraid to return to their jobs, or have gone into exile, men and women.⁶⁹ It was hoped that Ramadan of 2006 would provide a cooling-off period. In addition, Islamist insurgents and vigilantes have attacked working women, those cooperating with Americans or the new Iraqi government, and women not wearing hijab⁷⁰ or driving. In some areas, followers of Muqtada al-Sadr and even members of police forces in certain southern cities have imposed the full veil (not only hijab, but abaya), segregation of the genders, and prohibitions on music and dancing,⁷¹ which led to attacks on female (as well as male) musicians.
- **Female Circumcision.** Female circumcision, referred to by many women's groups as FGM (female genital mutilation), is practiced in certain areas of northern Kurdish Iraq and southern Iraq (where we have little information about it). In Iraqi-Kurdistan, the German NGO WADI

found that a much larger proportion of women were circumcised in 40 villages of the Germian area where they were working than anyone had previously alluded to (907 of 1,544 women and girls, or 60%).⁷² As with the preservation of virginity until marriage, FGM is believed a good tradition, as it controls both female sexuality and the designation of paternity; women as well as men support the tradition. The German group uses mobile-team doctors and is supported by a USAID campaign against FGM. Villagers in Pizhdar told activists that if they do not circumcise their daughters, “even the water she carries back from the well will be impure *haram*”. In 2001, some liberal clerics in Sulaymaniyah agreed to issue a *fatwa* against FGM, and the medical team members began carrying copies of the *fatwa* around with them⁷³.

- **Beatings, Domestic Violence. We have little information**

about domestic violence in Iraq, but anecdotal information suggests that women are at risk because of men’s insistence on their authority in the home. This has traditionally been bolstered by Quranic reference to husbands’ or guardians’ authority over women [*qiwama*] and right to beat them as stated in Surah 4: 34. Essentially, beatings are just one mode of domestic violence, whereas honor killings represent a different mode. Legal recourse for beatings is not usually sought. There are also many reports of self-immolations by Kurdish girls, which they carry out to resist enforced marriages and express other grievances.⁷⁴

RIGHT TO EMPLOYMENT

- It is not clear if a reinstatement of *shari'a* might threaten women's ability to be employed by requiring her to have her husband's permission, or discouraging or forbidding certain types of employment. In post-revolutionary Iran, women were forbidden to serve as judges. The Sudanese government discourages women from being surgeons, while the Saudi government allows women in some fields (typically health and education), yet not in petrochemical engineering, nor, to date, in the Foreign Service, though it was announced that women might provide administrative assistance in the latter area. Technically, the problem is working in mixed-gender environments.

FREEDOM OF DRESS

- **Hijab and Abaya.** Research on the issues of public space, harassment, and dress has primarily focused on the veil, because new a wave of veiling coincided with a growth in religiosity and Islamist movements and activism all over the Arab Middle East.⁷⁵ This research has demonstrated that dress has powerful social, political, and religious meanings sometimes considered so crucial that the state will step in to discourage the new veiling, or as in Tunisia and Egypt, make it illegal for public sector employees, or in the

other direction, to require an additional covering as in Saudi Arabia, where the black abaya is worn. Women wear the abaya in many areas of Iraq, sometimes in addition to the hijab. Not only has the hijab not prevented men from harassing women in public space, it has served to increase the teasing, taunting, or equating of unveiled women with immoral or Western attitudes.

For at least a decade prior to 2003, men began to require their wives to wear abaya in addition to hijab, and to restrict their daughters and wives from wearing trousers.⁷⁶ In some cases, women chose this dress themselves. Recent attacks on the basis of dress continue. In June of 2006, two young Iraqi women who were not wearing hijab were attacked in Baghdad, dragged off, and their heads were shaved. The newspaper *al-Sharq al-Awsat* reported that a non-Muslim woman not wearing hijab had her clothes torn off at the University of Basra.⁷⁷ Other reports of women's belief that they must wear hijab in Basra,⁷⁸ and also in al-Kut, can be confirmed by the author.

FREEDOM OF MOVEMENT

- **Movement in Public Space / Driving.** Out of fear of attacks on the unveiled, and assassinations and kidnappings, Iraqi women's freedom of movement has been constrained. In addition to kidnapping for ransom,

there is the phenomenon of women being forced into prostitution, or exported to other countries where men buy them from their kidnappers. These gender-based threats come along with the gender-blind dangers from IEDs (Improvised Explosive Devices), military operations, and suicide attacks that have killed Iraqis on buses, in cars, and in mosques.

In addition, there are reports of vigilantes threatening women who drive automobiles. Women may drive in most Muslim countries, yet not in Saudi Arabia. However, as a result of the Saudi ban, many more devout, or Islamist militants in Iraq, have begun insisting that women should not drive. In Amariyya, Yarmouk, and some other Sunni areas, women were ordered not to go out after mid-day, not to drive, and not to walk with men.⁷⁹ A few days after fliers appeared ordering women not to drive in Amariyya, the body of a woman wearing hijab was found; locals believe she had been driving.

The legal basis for any such restrictions comes not from Iraqi civil law, but rather from the *shari`a* principle that women should travel and these are supposed to be long distances (journeys of more than one day and night)—only with a *mahram*, or a male relative of a certain degree of consanguinity. While women drivers are banned in Saudi Arabia, there was no official fatwa on the matter until after Saudi women held a driving demonstration during the 1991 Gulf War. Elsewhere, their driving is legal. Many *salafis* disapprove of women's

driving, and increasing numbers of women in the Gulf and elsewhere do not drive today.

POLITICAL RIGHTS AND REPRESENTATION

- **Political rights.** Women attained the right to vote and run for office in Iraq by 1980. According to some sources, women held 20% of political positions under the Ba`th, a quite high proportion compared to other Arab countries. The most controversial issue regarding women's political participation since 2003 has had to do with the creation and maintenance of a quota of 25% in Iraq's Parliament to be held by women. Women activists would have preferred a higher percentage, and more key positions filled by women.

Democracy “experts”, as well as the clash-of-civilization gurus of the US National Security Council and other agencies argue that cultural impediments to democratization exist in Muslim and Arab societies. The phenomenon of men subjugating other men, who in turn subjugate women, is reiterated in position papers published by think tanks and NGOs.⁸⁰ In the studies that target either the Muslim or Arab worlds, sometimes confusing the two, the critique is that authoritarianism (as in the former Iraq and Syria), totalitarianism (as in Iran), or acceptance of an elite royal class (as in Saudi Arabia) characterize political behavior. Therefore, while improving women's condition—granting democracy to Iraqi people and

not only to Iraqi men—is important, Iraq’s resistance to democracy can also serve to explain the failure of any efforts that are implemented.

Political rights include suffrage and women’s right to run for office or to hold appointed positions of power in government. Political empowerment for women is an essential component of general empowerment, because without politicians and officials who consider the effects of various policies, laws, and measures on women’s status, no coherent headway toward social change or reform can be made. It has been assumed that more women with increased political power will work toward women’s empowerment.

Women in Iraq have pressed for 40% of seats and representation in the highest offices of the land. Even though the US administration disapproves in principle with quotas, they ensure Iraqis women’s political representation; however, there are disagreements between women leaders who define themselves as “secularists” and those who call themselves “Islamists.” A major issue is their respective attitudes toward the future role of *shari’a* in Iraq.⁸¹

Backlash against women’s rights has emerged in Iraq, bringing with it the chilling number of murdered women, as well as the many kidnappings and rape-kidnappings that took place in the post-invasion period.⁸² It is now hoped that the backlash can be contained by political bargains. However, such bargains without a system of law that supports women’s rights will not bring about improvement in women’s lives.

Equally true is the fact that bargains and legal reform will not accomplish much in the current state of lack of security. With all three elements – containment of backlash, legal protections, and greater security- moving forward, as well as the provision of basic services, Iraqi women might see a different future.

It does not seem that reform is doomed in Iraq, nor does it represent quite the same dilemma as in Saudi Arabia, where nearly everyone defines reform as a dangerous path, or in Gwen Okruhlik’s words, a slippery slope at the bottom of which neo-salafist insurgents and religious conservatives take over the state.⁸³ It appears that the US essentially accepts the Saudi claim that gradual change is preferable; whether it will diminish its commitment to the empowerment of Iraqi women is still an open question.

This question transcends Iraq, extending to all areas even the West where conservative Muslim and Islamist populations argue for a non-universalist discourse of gender. In the West, immigrants are expected to assimilate to the gender and cultural norms of countries like France, the UK, and the US. Similarly, Israel prefers that “its” Arabs, or Palestinians inside the Green Line, reflect Israeli norms, at least to some degree. The consequence tensions between Western gender norms and those of the immigrant or subject communities have not always produced changes beneficial to women. As Susan Okin and Katha Pollitt ask, if multiculturalism is bad for women in the West, then is democracy good for

them?⁸⁴ If democracy in Iraq empowers its multiculturalists orientation and inherent relativism, bringing about differing attitudes toward gender, including stricter, less reformed ones will it necessarily benefit women?

The US wants Iraq to serve as a keystone and exemplar of democracy, an inspiration to reformers and Arab or Muslim democrats in neighboring nations. This desire is expressed by neoconservative and liberal opponents of President Bush alike. For example, Dianne Feinstein, the Democratic Senator from California whose constituency is both pro-Israel and progressive and consciously feminist, made Iraq and Afghanistan the centerpieces of her 2005 International Women's Day address:

“We all know that Iraq can only complete a peaceful transition to a country based on the rule of law, human rights, and democracy with the full participation of women...”

Feinstein calls for vigilance and encourages Iraqis to put women's participation in the new Iraq “at the top of their agenda”. She cites the Women for Women International's 2004 survey finding that Iraqi women are hopeful and perceive a strong role for themselves in their “new nation”, e.g., “They want legal and political rights, and want no restrictions on education.”; “It is the duty of the United States to assist Iraqi women in realizing these goals, and I encourage my colleagues to continue to support...”; as well as calls for continued funding for women's initiatives in Iraq.⁸⁵

Since then, the ambiguous language in the Iraqi Constitution was set, violence has continued, and women's lives are still quite far from secure. A great many meetings have been held on the subject of women, and there is both good news and bad news in the field. A major conference was held in Baghdad attended by about 350 women, where the attendees tried to keep the issue of women's status alive.

Some 30 members of the Iraqi Parliament (275 in total) signed a declaration asking for of the rights of women. The declaration, submitted in June of 2006, states that Iraqi women are subjected to humiliating practices. It calls for the Ministry of Justice to look into charges of inequality or discrimination, for schools to stop forcing girls to wear hijab or abaya, and for police officers to respect women's rights.⁸⁶ The language of the proposal, that of Shatha al Abousi, states: "This state [Iraq] should be built on respect for each other's rights", and even the headline of the article reporting this action, and Prime Minister Nouri al-Maliki's pledge in the US to improve women's rights, "Minister's Vow Lifts Veil on Iraqi Women's Rights" is very much in accord with Arab women's modernizing vision of a state that opens doors for women and of reform through state-sponsored political action.

Women need to be reintegrated into the public sector, but as yet, this has not happened on the scale that it should have. Quite a bit of emphasis has been put on bringing women into the private sector, because women-owned businesses can receive contracts through special programs.

For instance, the US Army's Project and Contracting Office tried to solicit bids from such businesses. To that end, it created a database to identify potential beneficiaries of sub-contracts via companies that train and then hire Iraqi women. It reports that 250 contracts with a value totaling more than \$250 million have been granted to Iraqi women-owned businesses. Spirit of America is bringing computer training and daycare to women's centers, and is setting up sewing opportunities. USAID is offering micro-financing and training in accounting, management, financing, and entrepreneurship, and the PCO (above) has been offering training for women in the Ministries of Public Works and Water Resources and the municipalities.⁸⁷ Here the progress is tracked as in so many other programs like the State Department's Democracy Initiative through training hours. We don't yet know if this translates into more income or employment for women on the basis of hard data, but it should. For Arab or Muslim women activists many of whom have been involved in NGO activity in Iraq, or write about it as journalists, Iraqi women's empowerment is emblematic of a broader regional struggle between violence and civility, neocolonialism and globalization and indigenous political organization. These women take various positions on the validity of Islamist gender models and their role in Iraq. Like American or official Iraqi activists on behalf of women, they have been influenced by a positivist, rationalist approach to modernization. Those who are feminists (not all are) write about the need for empowerment through grassroots organization, and not

merely as a consequence of state-granted reforms. This sentiment is an analytical response to the lack of enthusiasm on the part of the “masses” or today’s “Arab street” for gender-based reforms.

Some of these women are strong opponents of the American presence in Iraq. Haifa Zangana argued that Iraqi women cared very little about Resolution 137, and that was why only 100 women, mostly elites, demonstrated against it. She saw women barely coping with the lack of electricity and security as well, most unemployed, though many had worked for the public sector under Saddam Hussein. One constraint that few mention is the requirement of submitting a recommendation form issued by one of the political parties in the Iraqi Governing Council. Zangana’s niece, a biologist, refused to get one, so she is as excluded from employment now as she was under the Ba`th, when one needed that party’s permission. Zangana therefore concludes that women’s lack of enthusiasm about feminist reforms, and pessimism on their own government is a form of passive resistance against the American project of empowerment.⁸⁸

More recently, Zangana wrote passionately about female “security detainees” in Iraqi prisons or detention centers whose existence is not acknowledged in US official sources.⁸⁹ Groups such as the Association of Muslim Scholars and jihadists have decried the capture and torture of Iraqi women by US forces, and journalist Jill Carroll’s captors demanded their release. The detainee issue emanates from evidence of serious abuses at Abu Ghraib prison, and subsequent charges by former prisoners and

officials. The US contends that abuses occurred, but that some accusations were untrue, and others are being addressed now.

To conclude, women's empowerment is a complex concept that implies social transformation in a linear progression. It is frequently and facilely expressed in public policy statements, yet far less easily achieved. For American policymakers, empowerment implies movement from Iraqi practices, ideas, and conditions to those of American women. According to the limited data we have, many Iraqi women believe empowerment means something both transitory and transformational: movement from today's insufficient resources and lack of security to adequacy; from no income to increased opportunities, to be followed by legal reform and political participation. While some Iraqi women oppose discrimination and want the freedom to move about in their society to drive, work, study, and dress as they please there is no eagerness to transform the family or marriage system, or necessarily emulate all that is Western.

"Empowerment" is a decidedly feminist and community activist term. Washington's discourse on the Middle East and Iraqi women is not really feminist, though it is liberatory. Women's private and individual rights are being codified in a strange netherworld of Muslim or Arab democracy where empowerment *à la Americaine* is pushing in one direction, and the evolution of sectarian family law and a national approach to women might travel in another direction entirely.

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1. This article was originally presented as “Women and Empowerment in Iraq” to the Democratization and Women’s Equity Project Research Symposium, held in London Nov. 29, 2005. I want to thank the project emanating from the Center for Strategic and Policy Studies, School of Public Policy, Hebrew University of Jerusalem, Anat Lapidot- Firilla, Sarith Felber and all of the project participants.
 2. The views expressed in this article are those of the author and do not necessarily reflect the official policy or position of the Department of the Army, the Department of Defense, or the U.S. Government.
 3. U.S. Department of State Fact Sheet on US Efforts to Support Women’s Rights [in Iraq]”, August 2005.
 4. President’s Radio Address, The White House. March 19, 2005.
 5. Louise Cinkar, “The Gulf War, Sanctions, and the Lives of Iraqi Women,” *Arab Studies Quarterly*, 15, No. 2 (Spring 1993), 43.
 6. Nadjie Al-Ali and Yasmin Hussein (2001) “Between Dreams and Sanctions: Teenage Lives in Iraq” posted by Act Together: Women’s Action for Iraq.
 7. UNICEF “Iraq Donor Update.” June 11, 2001.
 8. Al-Ali and Hussein.
 9. Nadjie Al-Ali “Gender and War: The Plight of Iraqi Women”, speech and paper delivered to the World Tribunal on Iraq, Istanbul, June 2005.
 10. Correspondent’s questions in White House briefing with White House Press Secretary Tony Snow, July 26, 2006, segment televised on CNN, and Snow’s responses.
 11. Nadjie Al-Ali and Nicola Pratt, “Women in Iraq: Beyond the Rhetoric” published in part in MERIP, Summer 2006. This article, inaccessible to me until the summer of 2006, mirrors some of my arguments in “Women and Empowerment in Iraq”.
 12. For details of Law No. 188’s enactment and the role that women played in subsequently shaping it, see Noga Efrati “Negotiating Rights in Iraq: Women and the Personal Status Law,” *Middle East Journal* vol. 59, no. 4, (Autumn 2005) 579-593.

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13. Text of IGC Decree 137
1. The provisions of the Islamic Shari'ah shall be implemented with respect to cases concerning marriage, engagement, marriage contract, legal competence, testimonial proof of marriage, *muharramat* [marriages prohibited according to Islam], marriage to Christian and Jewish women, marital rights - including dowry [sum of money a husband pays to his wife upon marriage], alimony, divorce, legal separation, divorce [in return for monetary compensation to be paid by the wife to the husband], iddah [period during which a widow may not remarry], relationships by marriage, wills, bequeathals, waqf [religious endowment], and inheritance. This law shall be implemented in all religious courts (personal status) in line with the provisions of the schools of Islamic thought.
 2. All laws, decisions, instructions, statements, and clauses of articles that contradict Clause 1 of this law shall be abolished.
 3. This law will go into effect as of its date of issue.
- [Signed] IGC President Abd-al-Aziz al-Hakim [Dated] 29 December 2003.
14. *Ibid* 578
15. Isobel Coleman, "Women, Islam, and the New Iraq." *Foreign Affairs* January/February 2005 at: <http://www.libertypost.org> last visited January 30, 2006.
16. Sherifa Zuhur, *Iran, Iraq, and the United States: The New Triangle's Impact on Sectarianism and the Nuclear Threat*. Carlisle, Pennsylvania: Strategic Studies Institute, in press, 2006. Once printed, the monograph will be available at <http://www.strategicstudiesinstitute.army.mil/pubs/people.cfm?auth orID=555>.
17. Sherifa Zuhur, *Gender, Sexuality, and the Criminal Laws in the Middle East and North Africa: A Comparative Study*. Istanbul: Women for Women's Human Rights 2005, 64-67

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18. Zuhur *Gender, Sexuality, and the Criminal Laws*.
 19. Ibid, 17; also see M. Cherif Bassiouni “Qesas Crimes” in M. C. Bassiouni (ed.) *The Islamic Criminal System* (London, New York: Oceana Publications, 1982); and Safia M. Safwaat, “Crimes Under Various Shariah Schools” in Tahir Mahmood et al *Criminal Law in Islam and the Muslim World: A Comparative Perspective* (Delhi: Institute of Objective Studies, 1996).
 20. Confessionalism is perhaps most clearly defined in earlier works on Lebanon such as Michael C. Hudson, *The Precarious Republic* (New York: Random House, 1968).
 21. Imad Harb, “Lebanon's Confessionalism: Problems and Prospects” in USIP briefing, U.S. Institute for Peace, March 2006.
 22. Sherifa Zuhur *Iran, Iraq, and the United States*.
 23. Ayesha Al-Rifai, “In Quest of Statehood: Women’s Agency for Democratic Reform in Palestine.” Paper presented at the 39th Annual Middle East Studies Association meeting, Washington D.C., November 21, 2005.
 24. Marie-Aimée Helie-Lucas “Women, Nationalism, and Religion in the Algerian Liberation Struggle” in *Opening the Gates: A Century of Arab Feminist Writing*. (eds.) Margot Badran and Miriam Cooke (Bloomington, Indiana: Indiana University Press, 1990) 106.
Monique Gadant, « *La situation des femmes et des féministes dans la guerre civile algérienne*” *Nouvelles Questions Féministes* 16: 4 (1995): 23-50.
 25. Sherifa Zuhur *The Middle East: Politics, History, and Neoliberalism*, Institute of Middle Eastern, Islamic, and Diasporic Studies, 2005, 354; Amal Kawar, *Daughters of Palestine: Leading Women of the Palestinian National Movement* (Albany, NY, USA: State University of New York Press, 1996) p. 3; Matiel E. T. Mogannam, *The Arab Woman and the Palestine Problem* (Westport, CN, USA: Hyperion Press, 1937) 61-62.
 26. Hamas runs women candidates on its electoral list, and is strongly supported by its female members, even more than by Palestinian non-

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- Islamist feminists. They have approached legal reform and other matters such as the necessary unification of family law (the West Bank and Gaza had fallen under different legal systems, Jordanian and Egyptian respectively) The latter, as well as women's NGOs, have reported clashes with Hamas on these issues. See Islah Jad, "Citizenship Under a Prolonged Occupation" in Sherifa Zuhur (ed.) *Women and Gender in the Middle East and Muslim World Today*, in process.
27. Bruce Maddy-Weitzman, "Women, Islam, and the Moroccan State: The Struggle over the Personal Status Law, *Middle East Journal* vol. 59, Iss. 3 (Summer 2005).
 28. Abdelsalam Maghraoui, "Political Authority in Crisis: Mohammed VI's Morocco", *Middle East Report* no. 218 available at: http://www.merip.org/mer/mer218/218_maghraoui.html.
 29. Dina Rizk Khoury, "Looking for the Modern: A Biography of an Iraqi Modernist" in Mary Ann Fay (ed.) *Auto/Biography and the Construction of Identity and Community in the Middle East* (New York: Palgrave 2001).
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